

**INDIA AND PAKISTAN SANCTIONS  
AND OTHER MEASURES: INTERIM RULE**

**INTERIM RULE  
NOVEMBER 19, 1998 (15 CFR PARTS 742 AND 744) ([63 FR 64323](#))**

**PUBLIC COMMENTS**

<a href="#">SANCTION-1</a>	William A. Root (12/21/98)
<a href="#">SANCTION-2</a>	REBCO International (12/09/09)
<a href="#">SANCTION-3</a>	Weadon & Associates, Inc. (12/09/98)
<a href="#">SANCTION-4</a>	Asternetics & Associates, Inc. (01/06/99)
<a href="#">SANCTION-5</a>	MAST Distributors, Inc. (01/06/99)
<a href="#">SANCTION-6</a>	tti; Distributors of Resistors, Capacitors and Connectors (01/05/99)
<a href="#">SANCTION-7</a>	Barney Frank, --on behalf of REBCO International (12/18/98)

# **federal register**

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**Thursday  
November 19, 1998**

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## **Part II**

### **Department of Commerce**

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**Bureau of Export Administration**

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**15 CFR Parts 742 and 744  
India and Pakistan Sanctions and Other  
Measures; Interim Rule**

**DEPARTMENT OF COMMERCE****Bureau of Export Administration****15 CFR Parts 742 and 744**

[Docket No. 98-1019261-8261-01]

RIN 0694-AB73

**India and Pakistan Sanctions and Other Measures****AGENCY:** Bureau of Export Administration, Commerce.**ACTION:** Interim rule.

**SUMMARY:** In accordance with section 102(b) of the Arms Export Control Act, President Clinton reported to the Congress on May 13th with regard to India and May 30th with regard to Pakistan his determinations that those non-nuclear weapon states had each detonated a nuclear explosive device. The President directed that the relevant agencies and instrumentalities of the United States take the necessary actions to impose the sanctions described in section 102(b)(2) of that Act.

The Bureau of Export Administration (BXA) is taking a number of sanctions measures consistent with the President's directive. Consistent with the provisions of section 102(b)(2)(G) of the Arms Export Control Act, BXA is revising the Export Administration Regulations (EAR) to codify sanctions against India and Pakistan by setting forth a licensing policy of denial for exports and reexports of items controlled for nuclear nonproliferation and missile technology reasons to India and Pakistan, with limited exceptions. This licensing policy was adopted in practice in existing regulations in June 1998. This rule also contains certain discretionary measures that are being taken. BXA is adding to the Entities List set forth in the EAR certain Indian and Pakistani government, parastatal, and private entities determined to be involved in nuclear or missile activities. In addition, Indian and Pakistani military entities are added to the Entity List in order to supplement the sanctions. BXA is adopting a licensing policy of a presumption of denial with respect to items specifically listed on the Commerce Control List to listed Indian and Pakistani military entities, with limited exceptions.

This rule will increase the number of license applications submitted for India and Pakistan.

**DATES:** This rule is effective November 19, 1998. Comments on this rule must be received on or before January 19, 1999.

**ADDRESSES:** Written comments on this rule should be sent to Sharron Cook,

Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044. Express mail address: Sharron Cook, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, 14th and Pennsylvania Avenue, NW, Room 2705, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Eileen M. Albanese, Director, Office of Exporter Services, Bureau of Export Administration, Telephone: (202) 482-0436.

**SUPPLEMENTARY INFORMATION:****Background**

In accordance with section 102(b) of the Arms Export Control Act, President Clinton reported to the Congress on May 13th with regard to India and May 30th with regard to Pakistan his determinations that those non-nuclear weapon states had each detonated a nuclear explosive device. The President directed in the determination reported to the Congress that the relevant agencies and instrumentalities of the United States take the necessary actions to impose the sanctions described in section 102(b)(2) of that Act.

Consistent with the President's directive, the Bureau of Export Administration (BXA) is imposing certain sanctions, as well as certain supplementary measures to enhance the sanctions. Consistent with the provisions of section 102(b)(2)(G) of the Arms Export Control Act, BXA is amending the Export Administration Regulations (EAR) by adding new § 742.16, India and Pakistan sanctions. This section codifies a license review policy of denial for the export and reexport of items controlled for nuclear proliferation (NP) reasons to all end-users in India and Pakistan, except for computers (see § 742.12(b)(3)(iii), High Performance Computers, for license review policy for computers). This licensing policy was adopted in practice in existing regulations in June 1998. This section also includes a new license policy of denial for the export and reexport of items controlled for missile technology (MT) reasons to all end-users in India and Pakistan, except that items listed in § 740.2(a)(5) of the EAR remain eligible for applicable License Exceptions when intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft and licenses for items intended for the preservation of safety of civil aircraft will be reviewed on a case-by-case basis. Items controlled on the Commerce Control List for nuclear and

missile technology reasons have been made subject to this sanction policy because of their significance for nuclear explosive purposes and for delivery of nuclear devices.

To supplement the sanctions of § 742.16, this rule adds certain Indian and Pakistani government, parastatal, and private entities determined to be involved in nuclear or missile activities to the Entity List in Supplement No. 4 to part 744. License requirements for these entities are set forth in the newly added § 744.11. Exports and reexports of all items subject to the EAR to listed government, parastatal, and private entities require a license. A license is also required if you know that the ultimate consignee or end-user is a listed government, parastatal, or private Indian or Pakistani entity, and the item is subject to the EAR. The only exception to this license requirement is for items listed in § 740.2(a)(5) of the EAR, which remain eligible for applicable License Exceptions when intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft. With respect to subordinates of listed entities in India and Pakistan, only those specifically listed in Supplement No. 4 to part 744, Entity List, are subject to the restrictions and policies set forth in § 742.16, except that General Prohibition 5 (see 736.2(b)(5)) continues to apply to all exports and reexports to Indian and Pakistani entities, including unlisted subordinates of listed entities. All applications to export or reexport items subject to the EAR will be reviewed with a presumption of denial to these entities, except items for the preservation of safety of civil aircraft will be reviewed on a case-by-case basis. Except for items controlled for NP or MT reasons, exports or reexports to listed parastatals and private entities with whom you have a preexisting business arrangement will be considered on a case-by-case basis, with a presumption of approval in cases where neither the arrangement nor the specific transaction involves nuclear or missile activities and the exports or reexports are pursuant to that arrangement. The term "business arrangement" covers the full range of business agreements, including general contracts, general terms agreements (e.g., agreements whereby the seller delivers products under purchase orders to be issued by the buyer), general business agreements, offset agreements, letter agreements that are stand-alone contracts, and letter agreements that are amendments to existing contracts or other agreements. The terms of the

preexisting business arrangement policy may also apply to the longstanding continued supply of a particular item or items from the exporter to the entity even when there is no current agreement between the firms. BXA, in conjunction with other agencies, will determine eligibility under the preexisting business arrangement policy. In order to be eligible under the policy, you must provide documentation to establish such an arrangement. The documentation should be provided at the time you submit a license application to export or reexport items to any listed parastatal or private entity.

To further supplement the sanctions of § 742.16, this rule adds certain Indian and Pakistani military entities to the Entity List in Supplement No. 4 to part 744. License requirements for these entities are set forth in the newly added § 744.12. Exports and reexports of all items subject to the EAR having a classification other than EAR99 to listed military entities require a license. A license is also required if you know that the ultimate consignee or end-user is a listed military Indian or Pakistani entity, and the item is subject to the EAR having a classification other than EAR99. No-License Exception overcomes this license requirement, except a License Exception for items listed in § 740.2(a)(5) of the EAR when intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft. Applications to export or reexport items controlled for NP or MT reasons to listed military entities will be denied, except items intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft, which will be reviewed on a case-by-case basis; and computers, which will be reviewed with a presumption of denial.

The addition of entities to the Entity List does not relieve exporters or reexporters of their obligations under General Prohibition 5 in § 736.2(b)(5) of the EAR. "You may not, without a license, knowingly export or reexport any item subject to the EAR to an end-user or end-use that is prohibited by part 744 of the EAR." BXA strongly urges the use of Supplement No. 3 to part 732 of the EAR, "BXA's 'Know Your Customer' Guidance and Red Flags" when exporting or reexporting to India and Pakistan.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, to the extent permitted by law, the provisions of the

EAA and the EAR in Executive Order 12924 of August 19, 1994, continued by Presidential notices of August 15, 1995, August 14, 1996, August 15, 1997, and August 13, 1998.

#### **Saving Clause**

Shipments of items removed from License Exception or NLR authorizations as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on November 19, 1998, pursuant to actual orders for export to that destination in India or Pakistan, may proceed to that destination under the previous License Exception or NLR authorization provisions so long as they have been exported from the United States before December 17, 1998. Any such items not actually exported before midnight December 17, 1998, require a license in accordance with this regulation.

#### **Rulemaking Requirements**

1. This final rule has been determined to be significant for the purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control number 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 40 minutes to prepare and submit electronically and 45 minutes to submit manually on form BXA-748P. This rule contains one new information collection requirement approved under control number 0694-0111, "India and Pakistan Sanctions," which carries a burden hour estimate of 10 minutes per submission for miscellaneous activities, such as attaching supporting documentation that substantiates a preexisting business relationship. An additional 2 minutes per submission is needed for recordkeeping.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public

participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this interim rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

However, because of the importance of the issues raised by these regulations, this rule is being issued in interim form and comments will be considered in the development of final regulations.

Accordingly, the Department encourages interested persons who wish to comment to do at the earliest possible time to permit the fullest consideration of views.

The period for submission of comments will close January 19, 1999. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them in the development of final regulations. All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Comments should be provided with 5 copies.

Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be available for public inspection.

The public record concerning these regulations will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, Room 4525, Department of Commerce, 14th Street and Pennsylvania Avenue, NW, Washington, DC 20230. Records in this

facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Margaret Cornejo, Bureau of Export Administration Freedom of Information Officer, at the above address or by calling (202) 482-5653.

The reporting burden for this collection is estimated to be approximately 57 minutes, including the time for gathering and maintaining the data needed for completing and reviewing the collection of information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments regarding these burden estimates or any other aspect of the collection of information, including suggestions for reducing the burdens, should be forwarded to Sharron Cook, Regulatory Policy Division, Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044, and David Rostker, Office of Management and Budget, OMB/OIRA, 725 17th Street, NW, NEOB Rm. 10202, Washington, DC 20503.

#### List of Subjects

##### 15 CFR Part 742

Exports, Foreign trade.

##### 15 CFR Part 744

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 742 and 744 of the Export Administration Regulations (15 CFR parts 730-774) are amended, as follows:

1. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 3 CFR, 1994 Comp., p.

950; E.O. 13020, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 3 CFR, 1996 Comp., p. 228; 3 CFR, 1997 Comp., p. 306; and Notice of August 13, 1998 (63 FR 44121, August 17, 1998).

2. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 3 CFR, 1996 Comp., p. 228; 3 CFR, 1997 Comp., p. 306; and Notice of August 13, 1998 (63 FR 44121, August 17, 1998).

#### PART 742—[AMENDED]

3. Part 742 is amended by:

- a. Revising § 742.12, paragraph (b)(3)(iii); and
- b. Adding a new section 742.16, to read as follows:

##### § 742.12 High Performance Computers.

\* \* \* \* \*

(b) *Licensing policy.* \* \* \*

(3) *Computer Tier 3.* \* \* \*

(iii) *Licensing policy for other end-users and end-uses.* License applications for exports and reexports to other end-uses and end-users located in Computer Tier 3 countries will generally be approved, except there is a presumption of denial for all applications for exports and reexports of computers having a CTP greater than 2,000 MTOPS destined to Indian and Pakistani entities determined to be involved in nuclear, missile, or military activities included in Supplement No. 4 to part 744 (Entity List). All license applications for exports and reexports to India and Pakistan not meeting these criteria for presumption of denial will be considered on a case-by-case basis under other licensing policies set forth in the EAR applicable to such computers.

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##### § 742.16 India and Pakistan Sanctions.

In accordance with section 102(b) of the Arms Export Control Act, President Clinton reported to the Congress on May 13th with regard to India and May 30th with regard to Pakistan his determinations that those non-nuclear weapon states had each detonated a nuclear explosive device. The President directed that the relevant agencies and instrumentalities of the United States take the necessary actions to impose the sanctions described in section 102 (b)(2) of that Act. Consistent with the provisions of section 102(b)(2)(G) of the Arms Export Control Act, the following

sanctions measures are imposed against India and Pakistan.

(a) *License requirement.* A license is required for all exports and reexports of items controlled for nuclear nonproliferation (NP) reasons to all end-users in India and Pakistan. In addition, a license is required for all exports and reexports of items controlled for missile technology (MT) reasons to all end-users in India and Pakistan, except items listed in § 740.2(a)(5) of the EAR, which remain eligible for applicable License Exceptions when intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft.

(b) *Licensing policy.*

(1) *Nuclear Nonproliferation.* There is a policy of denial for all applications to export and reexport items controlled for nuclear proliferation (NP) reasons to all end-users in India and Pakistan, except high performance computers (see § 742.12(b)(3)(iii) of this part for licensing policy regarding high performance computers).

(2) *Missile Technology.* There is a policy of denial for all applications to export and reexport items controlled for missile technology (MT) reasons to all end-users in India and Pakistan, except items intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft, which will be reviewed on a case-by-case basis.

#### PART 744—[AMENDED]

4. Part 744 is amended by revising the last sentence of § 744.1(c), and adding two new sections 744.11 and 744.12, to read as follows:

##### § 744.1 General provisions.

\* \* \* \* \*

(c) \* \* \* No License Exceptions are available for exports or reexports to listed entities of specified items, except License Exceptions for items destined to listed Indian or Pakistani entities intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft (see § 744.11(b) and § 744.12(b) of this part).

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##### § 744.11 Restrictions on certain government, parastatal, and private entities in Pakistan and India.

To supplement sanctions measures against India and Pakistan, set forth in § 742.16 of the EAR, a prohibition is imposed on exports and reexports to certain government, parastatal, and private entities in India and Pakistan determined to be involved in nuclear or missile activities. With respect to subordinates of listed entities in India and Pakistan, only those specifically

listed in Supplement No. 4 to part 744, Entity List, are subject to the restrictions and policies set forth in this section.

The addition of entities to Supplement No. 4 to part 744, Entity List, does not relieve you of your obligations under General Prohibition 5 in § 736.2(b)(5) of the EAR: "you may not, without a license, knowingly export or reexport any item subject to the EAR to an end-user or end-use that is prohibited by part 744 of the EAR." You are urged to use the guidance in Supplement No. 3 to part 732 of the EAR, "BXA's 'Know Your Customer' Guidance and Red Flags" when exporting or reexporting to India and Pakistan.

(a) *General restriction.* Certain government, parastatal, and private entities in India and Pakistan determined to be involved in nuclear or missile activities are included in Supplement No. 4 to this part 744 (Entity List). (See also § 744.1(c) of the EAR.) These entities are ineligible to receive exports or reexports of items subject to the EAR without a license. Exports and reexports of all items subject to the EAR to listed government, parastatal, and private entities require a license. A license is also required if you know that the ultimate consignee or end-user is a listed government, parastatal, or private Indian or Pakistani entity, and the item is subject to the EAR.

(b) *Exceptions.* No License Exceptions are available to the entities described in paragraph (a) of this section, except those applicable to items listed in § 740.2(a)(5) of the EAR, which remain available to such entities when intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft.

(c) *License review standards.* (1) *Government entities.* Applications to export or reexport items controlled for NP or MT reasons to listed government entities will be denied, except items intended for the preservation of safety of civil aircraft, which will be reviewed on

a case-by-case basis; and computers, which will be reviewed with a presumption of denial. All other items subject to the EAR to these listed entities will be reviewed with a presumption of denial.

(2) *Parastatal and Private entities.* Applications to export or reexport items controlled for NP or MT reasons to certain parastatal and private entities will be denied, except items intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft, which will be reviewed on a case-by-case basis; and computers, which will be reviewed with a presumption of denial. All other items subject to the EAR to these listed entities will be reviewed with a presumption of denial. Except for items controlled for NP or MT reasons, exports or reexports to listed parastatals and private entities with whom you have a preexisting business arrangement will be considered on a case-by-case basis, with a presumption of approval in cases where neither the arrangement nor the specific transaction involves nuclear or missile activities and the exports or reexports are pursuant to that arrangement. The term "business arrangement" covers the full range of business agreements, including general contracts, general terms agreements (e.g., agreements whereby the seller delivers products under purchase orders to be issued by the buyer), general business agreements, offset agreements, letter agreements that are stand-alone contracts, and letter agreements that are amendments to existing contracts or other agreements. The terms of the preexisting business arrangement policy may also apply to the longstanding continued supply of a particular item or items from the exporter to the entity even when there is no current agreement between the firms. BXA, in conjunction with other agencies, will determine eligibility under the preexisting business arrangement policy. In order to be eligible under the

policy, you must provide documentation to establish such an arrangement. The documentation should be provided at the time you submit a license application to export or reexport items to any listed parastatal or private entity.

#### § 744.12 Restrictions on certain military entities in Pakistan and India.

(a) *General restriction.* Certain military entities in India and Pakistan are included in Supplement No. 4 to this part 744 (Entity List). (See also § 744.1(c) of the EAR.) These entities are ineligible to receive exports or reexports of all items subject to the EAR having a classification other than EAR99 without a license. Exports and reexports of all items subject to the EAR having a classification other than EAR99 to listed military entities require a license. A license is also required if you know that the ultimate consignee or end-user is a listed military Indian or Pakistani entity, and the item is subject to the EAR having a classification other than EAR99.

(b) *Exceptions.* No License Exceptions are available to the entities described in paragraph (a) of this section, except those applicable to items listed in § 740.2(a)(5) of the EAR, which remain available to such entities when intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft.

(c) *License review policy.* Applications to export or reexport items controlled for NP or MT reasons to listed military entities will be denied, except items intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft, which will be reviewed on a case-by-case basis; and computers, which will be reviewed with a presumption of denial. All other license applications will be reviewed with a presumption of denial.

5. Supplement No. 4 to part 744 is revised to read as follows:

#### SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST

Country	Entity	License requirement	License review policy	Federal Register citation
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This Supplement lists certain entities subject to license requirements for specified items under this part 744 of the EAR. License requirements for these entities includes exports and reexports, unless otherwise stated. This list of entities is revised and updated on a periodic basis in this Supplement by adding new or amended notifications and deleting notifications no longer in effect.

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
CHINA, PEOPLE'S REPUBLIC OF.	Chinese Academy of Engineering Physics (aka Ninth Academy, including the Southwest Institutes of: Applied Electronics, Chemical Materials, Electronic Engineering, Explosives and Chemical Engineering, Environmental Testing, Fluid Physics, General Designing and Assembly, Machining Technology, Materials, Nuclear Physics and Chemistry, Structural Mechanics; Research and Applications of Special Materials Factory; Southwest Computing Center (all of preceding located in or near Mianyang, Sichuan Province); Institute of Applied Physics and Computational Mathematics, Beijing; and High Power Laser Laboratory, Shanghai).	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97.
INDIA	Advanced Fuel Fabrication Facility, Department of Atomic Energy (DAE), Tarapur.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Aerial Delivery Research and Development Establishment (ADRDE), Defence Research and Development Organization (DRDO), Agra.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Aeronautical Development Agency, Ministry of Defense, Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Aeronautical Development Establishment (ADE), Defence Research and Development Organization (DRDO), Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Aerospace Division, Hindustan Aeronautics Limited (HAL), Bangalore.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Ambajhari Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Ambamath Machine Tool Prototype Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Ambamath Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Ammonium Perchlorate Experimental Plant, Indian Space Research Organization (ISRO), Department of Space, Alwaye.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Armament Research and Development Establishment (ARDE), Defence Research and Development Organization (DRDO), Pune.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Aruvankadu Cordite Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Aspara Research Reactor, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Atomic Energy Commission (AEC) located in Mumbai (formerly Bombay) and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Atomic Energy Regulatory Board (AERB), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	The Atomic Minerals Division (AMD), Department of Atomic Energy (DAE), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	AURO Engineering, Pondicherry .....	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Avadi Combine Engine Plant, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Avadi Heavy Vehicle Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Avadi Ordnance Clothing Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Baroda Ammonia Plant, (collocated with the Baroda Heavy Water Production Facility), Gujarat Fertilizers, Baroda.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Baroda Heavy Water Production Facility, Heavy Water Board, Department of Atomic Energy (DAE), Baroda.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Beryllium Machining Facility, Indian Space Research Organization (ISRO), and Department of Atomic Energy (DAE), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Bhabha Atomic Research Center (BARC), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	62 FR 35334, 6/30/97. [Insert: Federal Register Cite and date of publication].
	Bharat Dynamics Limited, Bhanur and Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Bharat Earth Movers Limited (BEML), Bangalore.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Bharat Electronics Limited (BEL), Bangalore, Ghaziabad, and Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	62 FR 26922, 5/16/97, 62 FR 51369, 10/1/97. [Insert: Federal Register Cite and date of publication].
	Bharat Heavy Electrical Limited (BHEL), Trichy (Tiruchirapalli), Hyderabad, Hardwar, New Delhi, and Ranipet.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Bhatin Uranium Mine and Mill, Uranium Corporation of India, Ltd. (UCIL), Bhatin.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Bhusawal Ordnance Factory, Avadi Combine Engine Plant, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Board of Radiation and Isotope Technology (BRIT), Department of Atomic Energy (DAE), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Boron Enrichment Plant, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Central Manufacturing Technology Institute, a.k.a. Central Machine Tool Institute, Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Central Workshops, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	The Centre for Advanced Technology (CAT), Department of Atomic Energy (DAE), Indore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Centre for Aeronautical Systems Studies and Analysis (CASSA), Defence Research and Development Organization (DRDO), Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].



## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Centre for the Compositional Characterization of Materials, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Centre for Development of Advanced Computing, Department of Electronics, Pune.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Ceramic Fuels Fabrication Plant, Nuclear Fuel Complex (NFC), Department of Atomic Energy (DAE), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Chanda Ammunition Loading Plant, Avadi Combine Engine Plant, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Chanda Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Chandigarh Ordnance Cable Factory, Avadi Combine Engine Plant, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Chandigarh Ordnance Parachute Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Cirus Reactor, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Combat Vehicle Research and Development Establishment (CVRDE), Defence Research and Development Organization (DRDO), Chennai (formerly Madras).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Construction Services and Estate Management Group, Directorate of Purchase and Stores (DPS), Department of Atomic Energy (DAE), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Cossipore Gun and Shell Factory, Avadi Combine Engine Plant, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Bio-Engineering and Electro-Medical Laboratory (DEBEL), Defence Research and Development Organization (DRDO), Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Electronics Applications Laboratory (DEAL), Defence Research and Development Organization (DRDO), Dehra Dun.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Electronics Research Laboratory (DERL or DLRL), Defence Research and Development Organization (DRDO), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Food Research Laboratory (DFRL), Defence Research and Development Organization (DRDO), Mysore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Institute of Fire Research (DIFR), Defence Research and Development Organization (DRDO), Delhi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Institute of Physiology and Allied Sciences (DIPAS), Defence Research and Development Organization (DRDO), Delhi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Defence Institute of Psychological Research (DIPR), Defence Research and Development Organization (DRDO), New Delhi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Institute of Workstudy (DIWS), Defence Research and Development Organization (DRDO), Mussoorie.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Laboratory (DL), Defence Research and Development Organization (DRDO), Jodhpur.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	✓ Defence Materials and Store Research and Development Establishment (DMSRDE), Defence Research and Development Organization (DRDO), Kanpur.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Metallurgical Research Laboratory (DMRL), Defence Research and Development Organization (DRDO), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Research and Development Establishment (DRDE), Defence Research and Development Organization (DRDO), Gwalior.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Research and Development Laboratory (DRDL), Defence Research and Development Organization (DRDO), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Research and Development Organization (DRDO) located in New Delhi and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Research and Development Unit (DRDU), Defence Research and Development Organization (DRDO), Calcutta.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Research Laboratory (DRL), Defence Research and Development Organization (DRDO), Tezpur.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Science Centre (DSC), Defence Research and Development Organization (DRDO), New Delhi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Terrain Research Laboratory (DTRL), Defence Research and Development Organization (DRDO), New Delhi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Dehra Dun Opto-Electronics Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Dehra Dun Ordnance Factory, Dehra Dun Opto-Electronics Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Dehu Road Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Department of Defense Production and Supplies and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Department of Space located in Bangalore and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Department of Atomic Energy (DAE) located in Mumbai (formerly Bombay) and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Dhruva Reactor, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Directorate of Purchase and Stores (DPS), Department of Atomic Energy (DAE), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Dum Dum Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Electronics and Radar Development Establishment (ERDE or LRDE), Defence Research and Development Organization (DRDO), Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Electronics Corporation of India, Ltd. (ECIL), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Engine Division, Hindustan Aeronautics Limited (HAL), Bangalore.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Explosive Research and Development Laboratory (ERDL), Defence Research and Development Organization (DRDO), Pune.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Fast Breeder Test Reactor (FBTR), Indira Gandhi Centre for Atomic Research (IGCAR), Department of Atomic Energy (DAE), Kalpakam.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Fast Reactor Fuel Reprocessing Plant (FRFRP), Indira Gandhi Centre for Atomic Research (IGCAR), Department of Atomic Energy (DAE), Kalpakam.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Ferrodie Private Limited (FPL), Thane.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Gas Turbine Research Establishment (GTRE), Defence Research and Development Organization (DRDO), Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	General Services Organization, Directorate of Purchase and Stores (DPS), Department of Atomic Energy (DAE), Kalpakam.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Godrej & Boyce Mfg., Co., Ltd., Precision Equipment Division (PED) and Tool Room Division, Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Hazira Ammonia Plant, (collocated at the Hazira Heavy Water Production Facility) Krishak Bharati Cooperative, Ltd., Hazira.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Hazira Heavy Water Production Facility, Heavy Water Board, Department of Atomic Energy (DAE), Hazira.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Hazratpur Ordnance Equipment Factory, Dum Dum Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Heavy Water Board, Department of Atomic Energy (DAE), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Heavy Water Upgrade Plant, Kakrapar Atomic Power Station (KAPS), Nuclear Power Corporation of India, Ltd. (NPCIL), Kakrapar.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Indian Institute of Science (IIS), Departments of: Aerospace Engineering and Space Technology Cell, Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Indian Institute of Technology (IIT), Departments of: Aerospace Engineering and Space Technology Cell, Chennai (formerly Madras).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Indian Institute of Technology (IIT), Departments of: Physics, Aerospace Engineering, and Space Technology Cell, Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	India Minerals Separation Plants, Indian Rare Earths, Ltd., (IREL), Chhatrapur, Orissa, and Chavara.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	62 FR 35335, 6/30/97. [Insert: Federal Register Cite and date of publication].
	Indian Rare Earths, Ltd., (IREL), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	62 FR 35335, 6/30/97. [Insert: Federal Register Cite and date of publication].
	Indian Space Research Organization (ISRO), Department of Space, Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Indira Gandhi Center for Atomic Research (IGCAR), Kalpakkam.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	62 FR 35334, 6/30/97. [Insert: Federal Register Cite and date of publication].
	Institute of Armament Technology (IAT), Defense Research and Development Organization (DRDO), Pune.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Institute of Mathematical Sciences, Department of Atomic Energy (DAE), Chennai (formerly Madras).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Institute of Physics, Department of Atomic Energy (DAE), Bhubaneswar.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Institute for Systems Studies and Analyses (ISSA), Defense Research and Development Organization (DRDO), Delhi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Instruments Research and Development Establishment (IRDE), Defense Research and Development Organization (DRDO), Dehra Dun.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Interim Test Range (ITR), a.k.a. Meteorological Rocket Station, Indian Space Research Organization (ISRO), Department of Space, Balasore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Interuniversity Consortium of DAE Facilities, Department of Atomic Energy (DAE), Calcutta, Indore, and Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Ishapore Metal and Steel Factory, Dum Dum Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Ishapore Rifle Factory, Dum Dum Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	ISRO Inertial Systems Unit (IISU), Indian Space Research Organization (ISRO), Department of Space, Thiruvananthapuram.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Itarsi Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Jabalpur Gray Iron Foundry, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Jabalpur Gun Carriage Factory, Itarsi Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Jaduguda Uranium Mine and Mill, Uranium Corporation of India, Ltd. (UCIL), Jaduguda.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Kaiga Atomic Power Project (KAPP), The Nuclear Power Corporation of India, Ltd. (NPCIL), Kaiga.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Kakrapar Atomic Power Station (KAPS), The Nuclear Power Corporation of India, Ltd. (NPCIL), Kakrapar.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Kalpakkam Reprocessing Plant (KARP), a.k.a. Kalpakkam Fuel Reprocessing Plant, Indira Gandhi Centre for Atomic Research (IGCAR), Department of Atomic Energy (DAE), Kalpakkam.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Kakrapar Atomic Power Station (KAPS), Nuclear Power Corporation of India, Ltd. (NPCIL), Kakrapar.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Kamini Research Reactor, Indira Gandhi Centre for Atomic Research (IGCAR), Department of Atomic Energy (DAE), Kalpakkam.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Kanpur Field Gun Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Kanpur Ordnance Equipment Factory, Kanpur Field Gun Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Kanpur Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Kanpur Ordnance Parachute Factory, Kanpur Field Gun Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Kanpur Small Arms Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Katni Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Khamaira Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Kirkee Ammunition Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Kirkee High Explosives Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Kirloskar Brothers, Ltd. (KB), Pune .....	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Kota Heavy Water Production Facility, Heavy Water Board, Department of Atomic Energy (DAE), Kota.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Kundankulam Atomic Power Project, The Nuclear Power Corporation of India, Ltd. (NPCIL), Kundankulam.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Larsen & Toubro, Ltd. (L&T), Hazira Works, Hazira.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Liquid Propulsion Systems Centre, Indian Space Research Organization (ISRO), Department of Space, Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Liquid Propulsion Systems Centre, Indian Space Research Organization (ISRO), Department of Space, Thiruvananthapuram or Valiamala.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Liquid Propulsion Test Facility, Indian Space Research Organization (ISRO), Department of Space, Mahendragiri.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Machine Tool Aids & Reconditioning (MTAR), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Madras Atomic Power Station (MAPS), The Nuclear Power Corporation of India, Ltd. (NPCIL), Kalpakkam.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Manuguru Heavy Water Production Facility, Heavy Water Board, Department of Atomic Energy (DAE), Manuguru.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Medak Grey Iron Foundry, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Medak Ordnance Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Mehta Research Institute of Maths and Math Physics, Department of Atomic Energy (DAE), Allahabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Meteorological Rocket Station, a.k.a. Interim Test Range (ITR), Indian Space Research Organization (ISRO), Department of Space, Balasore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	The Mineral Sand Separation Complex, a.k.a. Orissa Sands Complex (OSCOM), India Rare Earths, Ltd. (IREL), Department of Atomic Energy (DAE), Chhatrapur in the Gunjan District of Orissa.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Minerals Recovery Plant, India Rare Earths, Ltd. (IREL), Chavara.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Misra Dhatu Nigam, Ltd. (MIDHANI), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	The Missile Research and Development Complex, Defence Research and Development Laboratory (DRDL), Defence Research and Development Organization (DRDO), Imarat, Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Muradnagar Ordnance Factory, Kirkee High Explosives Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Nangal Heavy Water Production Facility, Heavy Water Board, Department of Atomic Energy (DAE), Nangal.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Narora Atomic Power Station (NAPS), The Nuclear Power Corporation of India, Ltd. (NPCIL), Bullandshahr in Uttar Pradesh.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Narwapahar Uranium Mine and Mill, Uranium Corporation of India, Ltd. (UCIL), Department of Atomic Energy (DAE), Narwapahar.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	National Aerospace Laboratory, Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	National Test Range, Defence Research and Development Organization (DRDO), Ballabid.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	National Trisonic Aerodynamic Facility, National Aerospace Laboratory, Bangalore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Naval Chemical and Metallurgical Laboratory (NCML), Defence Research and Development Organization (DRDO), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Naval Physical and Oceanographic Laboratory (NPOL), Defence Research and Development Organization (DRDO), Cochin.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Naval Science and Technological Laboratory (NSTL), Defence Research and Development Organization (DRDO), Vishakhapatnam.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	New Zirconium Sponge Plant, Nuclear Fuel Complex (NFC), Department of Atomic Energy (DAE), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	The Nuclear Power Corporation of India, Ltd. (NPCIL), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Nuclear Fuel Complex (NFC), Department of Atomic Energy (DAE), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Nuclear Science Centre (NSC), New Delhi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Ordnance Factories Staff College, Nagpur (Ambajhari).	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Ordnance Factories Training Institutes, Ishapore, Kanpur, Jabalpur (Khamriar), Ambamath, Ambajhari.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Ordnance Factory Board and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Orissa Sands Complex (OSCOM), a.k.a. The Mineral Sand Separation Complex India Rare Earths, Ltd. (IREL), Department of Atomic Energy (DAE), Chhatrapur in the Gunjan District of Orissa.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Physical Research Laboratory (PRL), Department of Space, Ahmadabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Plutonium Reprocessing Plant, a.k.a. Trombay Reprocessing Plant, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Precision Controls, Chennai (formerly Madras).	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	PREFRE Reprocessing Plant, Department of Atomic Energy (DAE), Tarapur.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Proof and Experimental Establishment, Defence Research and Development Organization (DRDO), Chandipore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Prototype Fast Breeder Reactor (PFBR), Indira Gandhi Centre for Atomic Research (IGCAR), Department of Atomic Energy (DAE), Kalpakkam.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Purnima Facility, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Rajasthan Atomic Power Station (RAPS), and Rajasthan Atomic Power Project, The Nuclear Power Corporation of India, Ltd. (NPCIL), Department of Atomic Energy (DAE), Rawatbhata.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Rama Krishna Engineering Works (REW), Chennai (formerly Madras).	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Rare Earth Development Laboratory, a.k.a. Thorium Plant, India Rare Earths, Ltd. (IREL), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Rare Materials Plant, India Rare Earths, Ltd. (IREL), Department of Atomic Energy (DAE), Mysore.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Research and Development Establishment (Engineers) (R&DE (ENGRS)), Defence Research and Development Organization (DRDO), Pune.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Saha Institute of Nuclear Physics, Department of Atomic Energy (DAE), Calcutta.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Scientific Analysis Group (SAG), Defence Research and Development Organization (DRDO), New Delhi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Shahjahanpur Ordnance Clothing Factory, Kirkee High Explosives Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Solid Propellant Space Booster Plant (SPROB), Sriharikota Space Centre (SHAR), Indian Space Research Organization (ISRO), Department of Space.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Solid State Physics Laboratory (SSPL), Defence Research and Development Organization (DRDO), New Delhi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Space Applications Centre (SAC), Indian Space Research Organization (ISRO), Department of Space, Ahmadabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Space Physics Laboratory (SPL), Department of Space, Thiruvananthapuram.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Special Materials Plant, Nuclear Fuel Complex (NFC), Department of Atomic Energy (DAE), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Sriharikota Space Centre (SHAR), Indian Space Research Organization (ISRO), Department of Space, Andhra Pradesh.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Talcher Ammonia Plant, (collocated at Talcher Heavy Water Production Facility) Fertilizer Corporation of India, Ltd., Talcher.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Talcher Heavy Water Production Facility, Heavy Water Board, Department of Atomic Energy (DAE), Talcher.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Tarapur Atomic Power Station (TAPS), and Tarapur Atomic Power Project, The Nuclear Power Corporation of India, Ltd. (NPCIL), Department of Atomic Energy (DAE), Tarapur.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Tata Institute of Fundamental Research, Department of Atomic Energy (DAE), Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Terminal Ballistics Research Laboratory (TBRL), Defence Research and Development Organization (DRDO), Chandigarh.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Thal-Vaishet Ammonia Plant, (collocated at Thal-Vaishet Heavy Water Production Facility), Rashtriya Chemicals & Fertilizers, Thal-Vaishet in Maharashtra.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Thal-Vaishet Heavy Water Production Facility, Heavy Water Board, Department of Atomic Energy (DAE), Thal-Vaishet in Maharashtra.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Thorium Plant, India Rare Earths, Ltd. (IREL), Department of Atomic Energy (DAE), Chhatrapur.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].



## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Thumba Equatorial Rocket Launching Station, Indian Space Research Organization (ISRO), Department of Space.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Tiruchchirappalli Heavy Alloy Penetrator Project, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Tiruchchirappalli Ordnance Factory, Kirkee High Explosives Factory, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Titlagarh Ammunition Plant, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Trombay Reprocessing Plant, a.k.a. Plutonium Reprocessing Plant, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Tuticorin Ammonia Plant, (collocated at Tuticorin Heavy Water Production Facility), Southern Petrochemical Industries Corporation, Tuticorin.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Tuticorin Heavy Water Production Facility, Heavy Water Board, Department of Atomic Energy (DAE), Tuticorin.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Conversion Plant, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Corporation of India, Ltd. (UCIL), Department of Atomic Energy (DAE), Jaduguda.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Enrichment Plant, Bhabha Atomic Research Centre (BARC), Department of Atomic Energy (DAE), Trombay, suburban city of Mumbai (formerly Bombay).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Fuel Assembly Plant, Nuclear Fuel Complex (NFC), Department of Atomic Energy (DAE), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Mine and Mill, Uranium Corporation of India, Ltd. (UCIL), Narwapahar, Jaduguda, and Bhatin.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Mine, Uranium Corporation of India, Ltd. (UCIL), Turamdih.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Recovery Plant, Fertilizers and Chemicals Travancore (FACT), Uranium Corporation of India, Ltd. (UCIL), Department of Atomic Energy (DAE), Cochin.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Recovery Plant, Uranium Corporation of India, Ltd. (UCIL), Department of Atomic Energy (DAE), Mosabini (a.k.a. Masabeni).	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Recovery Plant, Uranium Corporation of India, Ltd. (UCIL), Department of Atomic Energy (DAE), Rakha.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Recovery Plant, Uranium Corporation of India, Ltd. (UCIL), Department of Atomic Energy (DAE), Surda (a.k.a. Surdat).	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Varangaon Ordnance Factory, Tiruchchirappalli Heavy Alloy Penetrator Project, Ordnance Factory Board, Department of Defense Production and Supplies, Ministry of Defense.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	The Variable Energy Cyclotron Centre (VECC), Department of Atomic Energy (DAE), Calcutta.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Vehicles Research and Development Establishment, Defence Research and Development Organization (DRDO), Ahmednagar.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Vikram Sarabhai Space Centre (VSSC), Indian Space Research Organization (ISRO), Department of Space, Thiruvananthapuram.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Walchandnagar Industries, Ltd. (WIL), Nadu Desarai and Mahad.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Zirconium Fabrication Plant, Nuclear Fuel Complex (NFC), Department of Atomic Energy (DAE), Hyderabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Zirconium Oxide Plant, India Rare Earths Ltd. (IREL), Department of Atomic Energy (DAE), Manavalakuruchi.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
ISRAEL .....	Ben Gurion University, Israel .....	For computers between 2,000 and 7,000 Mtops.	Case-by-case basis	62 FR 4910, 2/3/97.
	Nuclear Research Center at Negev Dimona, Israel.	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97.
PAKISTAN .....	Abdul Qader Khan Research Laboratories, a.k.a. Khan Research Laboratories (KRL), a.k.a. Engineering Research Laboratories (ERL), Kahuta.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Aerospace Institute, Space and Upper Atmospheric Research Commission (SUPARCO), Islamabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Al Technique Corporation of Pakistan, Ltd.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Allied Trading Co .....	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	ANZ Importers and Exporters, Islamabad	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Armed Forces Institute of Pathology—Rawalpindi Laboratory.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Atomic Energy Minerals Centre, Pakistan Atomic Energy Commission (PAEC), Lahore.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Baghalchur Uranium Mine, Pakistan Atomic Energy Commission (PAEC), Baghalchur.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Center for Advanced Molecular Biology, Lahore.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Center for Nuclear Studies, Pakistan Atomic Energy Commission (PAEC), and Pakistan Institute of Nuclear Science and Technology (PINSTECH), Islamabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Chakdala Defense Science and Technology Organization (DESTO).	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Chasma Fuel Fabrication Plant, Chasma Nuclear Power Plant (CHASNUPP), Pakistan Atomic Energy Commission (PAEC), Kundian.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Chasma Nuclear Power Plant (CHASNUPP), Pakistan Atomic Energy Commission (PAEC), Kundian.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Combat Development Directorate (CDD)	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Computer Center, Space and Upper Atmospheric Research Commission (SUPARCO), Karachi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Computer and Development Division, KANUPP Institute of Nuclear Power Engineering (KINPOE), Pakistan Atomic Energy Commission (PAEC).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Computer Training Center, Pakistan Atomic Energy Commission (PAEC) and Pakistan Institute of Nuclear Science and Technology (PINSTECH), Islamabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Control System Laboratories, Space and Upper Atmospheric Research Commission (SUPARCO).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Daud Khel Chemical Plant, Defense Science and Technology Organization (DESTO), Lahore.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Defence Science and Technology Organization (DESTO) located in Rawalpindi and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Dera Ghazi Khan Uranium Mine, Pakistan Atomic Energy Commission (PAEC), Dera Ghazi Khan.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Directorate of Technical Development, Pakistan Atomic Energy Commission (PAEC).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Directorate of Technical Equipment, Pakistan Atomic Energy Commission (PAEC).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Directorate of Technical Procurement, Pakistan Atomic Energy Commission (PAEC).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Engineering and Technical Services, Islamabad.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Engineering Research Laboratories (ERL), a.k.a. Abdul Qader Khan Research Laboratories, a.k.a. Khan Research Laboratories (KRL), Kahuta.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Flight Test Range, Space and Upper Atmospheric Research Commission (SUPARCO), Sonmiani Beach.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Gadwal Ammunition Plant .....	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Gadwal Uranium Enrichment Plant .....	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Ghulam Ishaq Khan Institute of Technology, Topai.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Golra Ultracentrifuge Plant, Golra .....	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Goth Macchi Nitrogen Fertilizer Plant, Sadiqabad.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Hard Rock Division, Pakistan Atomic Energy Commission (PAEC), Peshawar.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Haripur Nitrogen Fertilizer Plant, Hazara	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Havelian Explosives and Ammunition Plant.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Hawkes Bay Depot, Pakistan Atomic Energy Commission (PAEC).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Heavy Water Production Plant, KANUPP, Pakistan Atomic Energy Commission (PAEC), Karachi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	High Technologies, Ltd., Islamabad .....	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Institute of Nuclear Power, Pakistan Atomic Energy Commission (PAEC), Islamabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Instrumentation Laboratories, Space and Upper Atmospheric Research Commission (SUPARCO), Karachi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Issa Khel/Kubul Kel Uranium Mines and Mills, Pakistan Atomic Energy Commission (PAEC), Miniawali District.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Karachi CBW Research Institute, University of Karachi's Husein Ebrahim Jamal Research Institute of Chemistry (HEJRIC).	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Karachi CW & BW Warfare R&D Laboratory, Defense Science and Technology Organization (DESTO).	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Karachi Naval Base and Naval Hqs. And Dockyard.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Karachi Nuclear Power Plant (KANUPP), Pakistan Atomic Energy Commission (PAEC), Karachi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Karachi Superphos Fertilizer Plant, Al Noor.	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	KANUPP Institute of Nuclear Power Engineering (KINPOE), Pakistan Atomic Energy Commission (PAEC), Karachi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Khan Research Laboratories (KRL) a.k.a. Abdul Qader Khan Research Laboratories, a.k.a. Engineering Research Laboratories (ERL), Kahuta.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	62 FR 35334, 6/30/97 [Insert: Federal Register Cite and date of publication].
	Khewra Soda Ash Plant .....	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Khushab Reactor, Pakistan Atomic Energy Commission (PAEC), Khushab, Punjab.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Lahore Weapons Plant, PEC .....	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Lastech Associates, Islamabad .....	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Machinery Master Enterprises, Islamabad	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Maple Engineering Pvt. Ltd. Consultants, Importers and Exporters.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Material Research Division, Space and Upper Atmospheric Research Commission (SUPARCO).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Mineral Sands Program, Pakistan Atomic Energy Commission (PAEC), Karachi. Mirpur Nitrogen Fertilizer Plant, Mathelo	For all items subject to the EAR. For all items subject to the EAR having a classification other than EAR99.	See § 744.11(c)(1) of this part. See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication]. [Insert: Federal Register Cite and date of publication].
	Modern Engineering Services, Ltd., Islamabad. Multan Chemical Fertilizer Plant .....	For all items subject to the EAR. For all items subject to the EAR having a classification other than EAR99.	See § 744.11(c)(2) of this part. See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication]. [Insert: Federal Register Cite and date of publication].
	Multan Heavy Water Production Facility, Pakistan Atomic Energy Commission (PAEC), Multan Division, Punjab. National Development Centre .....	For all items subject to the EAR. For all items subject to the EAR.	See § 744.11(c)(1) of this part. See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication]. 62 FR 35335, 6/30/97. [Insert: Federal Register Cite and date of publication].
	National Engineering Service of Pakistan, Chasma Nuclear Power Plant (CHASNUPP), Pakistan Atomic Energy Commission (PAEC), Kundian. National Institute of Biotechnology and Genetic Engineering, Faisalabad.	For all items subject to the EAR. For all items subject to the EAR having a classification other than EAR99.	See § 744.11(c)(1) of this part. See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication]. [Insert: Federal Register Cite and date of publication].
	New Laboratories, Pakistan Institute for Nuclear Science and Technology (PINSTECH), Rawalpindi. Nuclear Track Detection Center, a.k.a. Solid State Nuclear Track Detection Laboratory, Pakistan Institute for Nuclear Science and Technology (PINSTECH).	For all items subject to the EAR. For all items subject to the EAR.	See § 744.11(c)(1) of this part. See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication]. [Insert: Federal Register Cite and date of publication].
	Orient Importers and Exporters, Islamabad. Pakistan Atomic Energy Commission (PAEC) located in Islamabad and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR. For all items subject to the EAR.	See § 744.11(c)(2) of this part. See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication]. [Insert: Federal Register Cite and date of publication].
	Pakistan Institute for Nuclear Science and Technology (PINSTECH), Islamabad. Pakistan Ordnance Factories .....	For all items subject to the EAR. For all items subject to the EAR.	See § 744.11(c)(1) of this part. See § 744.11(c)(1) of this part.	62 FR 35334, 6/30/97. [Insert: Federal Register Cite and date of publication]. [Insert: Federal Register Cite and date of publication].
	PARR-1 Research Reactor, Pakistan Institute for Nuclear Science and Technology (PINSTECH). PARR-2 Research Reactor, Pakistan Institute for Nuclear Science and Technology (PINSTECH).	For all items subject to the EAR. For all items subject to the EAR.	See § 744.11(c)(1) of this part. See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication]. [Insert: Federal Register Cite and date of publication].
	People's Steel Mills, Karachi .....	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Pilot Reprocessing Plant, New Laboratories, Pakistan Institute for Nuclear Science and Technology (PINSTECH). Prime International .....	For all items subject to the EAR. For all items subject to the EAR.	See § 744.11(c)(1) of this part. See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication]. [Insert: Federal Register Cite and date of publication].
	Quality Control and Assurance Unit, Space and Upper Atmospheric Research Commission (SUPARCO). Rocket Bodies Manufacturing Unit, Space and Upper Atmospheric Research Commission (SUPARCO).	For all items subject to the EAR. For all items subject to the EAR.	See § 744.11(c)(1) of this part. See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication]. [Insert: Federal Register Cite and date of publication].
	Saniwal Ammunition Plant .....	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Science and Engineering Services Directorate, Pakistan Atomic Energy Commission (PAEC).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Scientific and Technical Tech., Ltd., Islamabad.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Sihala Ultracentrifuge Plant, Sihala .....	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Solid Composite Propellant Unit, Space and Upper Atmospheric Research Commission (SUPARCO).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Solid State Nuclear Track Detection Laboratory, a.k.a. Nuclear Track Detection Center, Pakistan Institute for Nuclear Science and Technology (PINSTECH).	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Space and Atmospheric Research Center, Space and Upper Atmospheric Research Commission (SUPARCO), Karachi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Space and Upper Atmospheric Research Commission (SUPARCO) and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Space Research Council and subordinate entities specifically listed in this Supplement.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Static Test Unit, Space and Upper Atmospheric Research Commission (SUPARCO), Karachi.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Technical Services, Islamabad .....	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	The Tempest Trading Company, Islamabad.	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Unique Technical Promoters .....	For all items subject to the EAR.	See § 744.11(c)(2) of this part.	[Insert: Federal Register Cite and date of publication].
	Uranium Conversion Facility, Pakistan Atomic Energy Commission (PAEC), Islamabad.	For all items subject to the EAR.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
	Wah Chemical Product Plant .....	For all items subject to the EAR having a classification other than EAR99.	See § 744.12(c) of this part.	[Insert: Federal Register Cite and date of publication].
	Wah Munitions Plant, a.k.a. Explosives Factory, Pakistan Ordnance Factories (POF).	For all items subject to the EAR having a classification other than EAR99.	See § 744.11(c)(1) of this part.	[Insert: Federal Register Cite and date of publication].
RUSSIA .....	All-Russian Scientific Research Institute of Technical Physics, (aka VNIITF, Chelyabinsk-70, All-Russian Research Institute of Technical Physics, ARITP, Russian Federal Nuclear Center) located in either Snezhinsk or Kremlev.	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97.
	All-Union Scientific Research Institute of Experimental Physics, (aka VNIIEF, Arzamas-16, Russian Federal Nuclear Center, All Russian Research Institute of Experimental Physics, ARIEP, Khariton Institute) located in either Snezhinsk or Kremlev.	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97.
	Baltic State Technical University, 1/21, 1-ya Krasnoarmeiskaya Ul., 198005, St. Petersburg.	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial.	63 FR 40363, 7/29/98.
	Europalace 2000, Moscow .....	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial.	63 FR 40363, 7/29/98.
	Glavkosmos, 9 Krasnoproletarskaya (st.), 103030 Moscow.	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial.	63 FR 40363, 7/29/98.
	Grafit (aka State Scientific Research Institute of Graphite or NIIGRAFIT), 2 Ulitsa Elektrodnyaya, 111524, Moscow.	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial.	63 FR 40363, 7/29/98.

## SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	INOR Scientific Center, Moscow, Russia	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial.	63 FR 40363, 7/29/98.
	Ministry for Atomic Power of Russia (any entities, institutes, or centers associated with) located in either Snezhinsk or Kremlev.	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97.
	MOSO Company, Moscow .....	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial.	63 FR 40363, 7/29/98.
	Polyus Scientific Production Association, 3 Ulitsa Vvedenskogo, 117342, Moscow.	For all items subject to the EAR (see § 744.10 of the EAR).	Presumption of denial.	63 FR 40363, 7/29/98.

Dated: November 13, 1998.

R. Roger Majak,  
*Assistant Secretary for Export  
Administration.*

[FR Doc. 98-30877 Filed 11-13-98; 4:10 pm]

BILLING CODE 3510-33-P

(3) If any broken springs are discovered, replace them with airworthy springs using the procedure specified in paragraph (b) of this AD.

(4) Lubricate the threads with NATO 156, then reinstall the six bolts, torqued to 0.4–0.5 m.daN (35.3–44.2 in.-lbs.).

(5) Inspect for interference between the spring and the fairing (Point B, Figure 2), and replace any spring that exhibits such interference in accordance with the procedure specified in paragraph (b) of this AD.

(6) Measure the outward axial protrusion (Dimension e, Figure 1), for each spring. If the protrusion dimension obtained from the measurement required by paragraph (a)(6) of this AD is less than 1mm (0.039 inches), or greater than 2.7mm (0.106 inches), either

(i) replace the spring with an airworthy spring before further flight or,

(ii) Inspect the out-of-tolerance spring(s) in accordance with paragraph (a)(2) before the first flight of each day until each spring is replaced with an airworthy spring. Any out-of-tolerance spring must be replaced with an airworthy spring within 25 hours time-in-service (TIS).

(b) Replace a broken or out-of-tolerance spring as follows:

(1) Remove the spring attachment rivet.

(2) Temporarily install an airworthy spring, P/N 360A33-1078-01, and verify that the axial protrusion (Dimension e, Figure 1) is within tolerance and that no interference (see Figure 2) exists.

(3) Permanently secure the new spring to the fairing with one ASN-A0078B402 rivet, coated with Mastinox 6856KD150-2, and installed with the rivet head on the outside of the fairing (see Figure 1).

(4) Mark an "X" after the fairing part number using indelible ink after completing all inspections and spring replacements, as required.

(c) Reinstall the fairing.

(d) If one or more springs are replaced, rebalance the tail rotor head.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(f) Special flight permits will not be issued.

(g) This amendment becomes effective on December 14, 1998.

**Note 3:** The subject of this AD is addressed by Direction Generale De L'Aviation Civile (France) AD 95-107-039(B)R1 and AD 95-112-040(B), both dated June 7, 1995, and AD 95-108-018(B), dated May 24, 1995.

Issued in Fort Worth, Texas, on November 19, 1998.

Eric Bries,

Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.

[FR Doc. 98-31589 Filed 11-25-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### 15 CFR Parts 742 and 744

[Docket No. 98-1019261-8261-01]

RIN 0694-AB73

#### Correction to: India and Pakistan Sanctions and Other Measures

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Interim rule; correction.

**SUMMARY:** On November 19, 1998, (63 FR 64322) the Bureau of Export Administration published an interim rule revising the Export Administration Regulations (EAR) to codify sanctions against India and Pakistan by setting forth a licensing policy of denial for exports and reexports of items controlled for nuclear nonproliferation and missile technology reasons to India and Pakistan, with limited exceptions. This licensing policy was adopted in practice in existing regulations in June 1998. This rule also contained certain discretionary measures. BXA added to the Entities List set forth in the EAR certain Indian and Pakistani government, parastatal, and private entities determined to be involved in nuclear or missile activities. In addition, Indian and Pakistani military entities were added to the Entity List in order to supplement the sanctions. BXA adopted a licensing policy of a presumption of denial with respect to items specifically listed on the Commerce Control List to listed Indian and Pakistani military entities, with limited exceptions.

This document corrects an inadvertent error in codification related to the Entity List, specifically the entity Wah Munitions Plant.

**EFFECTIVE DATE:** This correction is effective November 27, 1998.

**FOR FURTHER INFORMATION CONTACT:** Sharron Cook, Regulatory Policy Division, Bureau of Export Administration, Telephone: (202) 482-2440.

**SUPPLEMENTARY INFORMATION:** In the interim rule of November 19, 1998 (63 FR 64322), FR Doc. 98-1019261-8261-01, make the following corrections to

Supplement No. 4 to part 744, Entity List:

#### PART 744—[CORRECTED]

##### Supplement No. 4 [Corrected]

1. On page 64341, in the third column of the Entity List table, in the row for Wah Munitions Plant, a.k.a. Explosives Factory, Pakistan Ordnance Factories (POF), correct the phrase, "For all items subject to the EAR having a classification other than EAR99." to read "For all items subject to the EAR."

Dated: November 23, 1998.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 98-31666 Filed 11-25-98; 8:45 am]

BILLING CODE 3510-33-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 510 and 522

#### New Animal Drugs; Change of Sponsor

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for one approved abbreviated new animal drug application (ANADA) from American Veterinary Products, Inc., to Veterinary Research Associates, Inc.

**EFFECTIVE DATE:** November 27, 1998.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. McKay, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0213.

**SUPPLEMENTARY INFORMATION:** American Veterinary Products, Inc., 749 South Lemay, suite A3-231, Fort Collins, CO 80524, has informed FDA that it has transferred the ownership of, and all rights and interests in, the approved ANADA 200-073 (ketamine hydrochloride) to Veterinary Research Associates, Inc., 20 Old Dock Rd., Yaphank, NY 11980. Accordingly, the agency is amending the regulations in 21 CFR 522.1222a. The agency is also amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) by removing American Veterinary Products, Inc., because the firm is no longer the sponsor of any approved ANADA's, and by alphabetically adding a new listing for Veterinary Research Associates, Inc.



William A. Root  
4024 Franklin Street  
Kensington MD 20895  
Phone & FAX 301 942 6720  
waroot@aol.com

December 21, 1998

Sharron Cook, Regulatory Policy Division  
Bureau of Export Administration, Department of Commerce  
P.O. Box 273 Washington DC 20044

Subject: India Pakistan Sanctions per November 19 Federal Register

I recommend the following revisions to the interim rule:

Savings Clause: Change "on November 19" to "on or before December 21"

Exporters cannot, instantaneously on the date of publication, obtain, read, and understand new license requirements in complex regulations such as these. The January 15 Wassenaar implementation regulation savings clause included a one month grace period, until February 17. Even though the suggested one month grace period for the India/Pakistan regulation has already expired, it would still be desirable to revise the savings clause in this way. A retroactive amendment would protect those who inadvertently exported during that period without a newly required license and would remove an unwise precedent for future regulations.

Attribution to the Glenn amendment

- In 742.16 third sentence change "Consistent with the provisions of section 102(b)(2)(G) of the Arms Export Control Act" to "Pursuant to section 102(b)(2)(G) of the Arms Export Control Act and to other statutory authority"

Most of the sanctions are not "consistent with" the Glenn amendment, which does not apply to MT or other non-NP items and applies only to "specific" NP items.

License requirements for military entities

- In 744.12(a), change "all items subject to the EAR having a classification other than EAR99" to "all items identified on the CCL as requiring a license to India or Pakistan for NS or CB reasons"

Items other than EAR 99 not now requiring a license to India or Pakistan are of no identified strategic concern. Most such items are those removed from COCOM or Wassenaar lists because they were obsolete. Prior to this regulation, such items required a license only to terrorist-supporting countries; India and Pakistan are not charged with supporting terrorism. 744.12 need not apply to NP or MT items, which are covered by 742.16, nor to crime control items, because India and Pakistan are not charged with

human rights violations. The suggested formulation would still be more restrictive than current Part 742.4(b) licensing policy for NS items to all other countries, including the especially restrictive policy applicable to Country Group D:1. The suggested revision would not violate the Glenn amendment, because that statute does not apply to non-NP items.

#### Reexports

- In 744.12 delete all references to reexports.

Extraterritoriality complaints by our allies concerning U.S. reexport controls are especially strong when both the purpose of the control and the items being controlled are unilateral. The United States does not impose reexport controls on many listed items even to Iran and Sudan per 742.8(a)(2), 746.7(a)(2)(ii), and 742.10(a)(2). The Glenn amendment is silent on the subject of reexports.

#### Contract sanctity

- Add an explicit statement that EAA Section 6 contract sanctity provisions apply to all new license requirements, not just to parastatal and private entities.

The Glenn amendment states "The authorities of section 6 of the Export Administration Act of 1979 shall be used." Those authorities are conditioned on contract sanctity.

#### License Exceptions:

- In 732.1(e) fifth sentence after "However," insert "License Exceptions from license requirements for end-use/end-user controls are specified in part 744 of the EAR,"
- Revise 732.3(h)(2) to read:

License Exception TSU (740.13 of the EAR) overcomes General Prohibition Five (End-Use and End-User) (736.2(b)(5) of the EAR) if all terms and conditions of this License Exception are met by the exporter or reexporter.
- In 736.2(b)(5) after "license" insert "or License Exception authorized under part 744" and between "end-user" and "end-use" change "of" to "or"
- In 740.1(a) first sentence change "or Three" to "Three, Five, Six, or Eight" and delete ", as indicated under one or more of the Export Control Classification Numbers (ECCNs) in the Commerce Control List (CCL) in Supplement No. 1 to part 774 of the EAR"
- In 740.1(a) last sentence delete "Eight,"
- Add to 740.2(a): "(6) The transaction is controlled by part 744 and does not qualify for a License Exception pursuant to 744.1(c)(1) to (4)".
- Add to 742.16(a) first sentence ", except when eligible for a License Exception"
- Revise 744.1(c) to read:

No License Exceptions are available for exports or reexports controlled under part 744 except for: (1) items classified EAR99 which qualify for TMP, RPL, GOV, TSU, BAG, AVS, or APR; (2) items intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft; (3) License Exception TSU;

1-3

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or (4) the shipment to U.S. or Canadian vessels, planes and airline installations or agents portion of AVS (740.15(c))

- Delete 744.2(c), 744.3(c), 744.4(c), 744.5(b), 744.6(d), 744.7(b), 744.10(b), 744.11(b), and 744.12(b).

732.1(e), 736.2(b)(5), 740.1(a), and 740.2(a)(6) revisions are for consistency with exceptions to License Exception restrictions specified in 744. The 732.3(h)(2) revision would add mass market software for consistency with 740.13(d)(3)(i).

744.1(c) deletion of "to listed entities" is for consistency with the general disqualification of License Exceptions for 744 listed end-uses as well as end-users. 744.1(c) exception (1) from the non-availability of License Exceptions is to clarify what is meant by "specified items" in the existing text. In 744.1(c) exception (2), aviation safety is as important in other countries as it is in India and Pakistan and less critical non-MT items as well as specified MT items are needed for this purpose. 744.1(c) exception (3) is for consistency with 732.3(h)(2) and 740.13(d)(3)(i). 744.1(c) exception (4) is for consistency with 744.7(b). The recommended deletion of nine subsections of 744 is for consistency with recommended revised 744.1(c).

Revision of the first sentence of 742.16(a) is to avoid the implication from the second sentence that no NP item is eligible for any License Exception to any end-user in India or Pakistan. The regulations do not now state this explicitly. Indeed, similar unqualified license requirement statements in other parts of the EAR do not nullify License Exceptions (e.g., see the second sentence of 742.4(a) concerning license requirements for NS items). Moreover, there is no restriction on License Exception eligibility for India and Pakistan in part 740, which should be definitive on the scope of License Exceptions described therein.

Part 740 already disqualifies NP items for those License Exceptions which would reasonably be of concern. 740.12(a)(2)(i)(A) explicitly makes NP items ineligible for GFT. 740.5 and 740.6(a) provide that CIV and TSR are limited to items controlled for NS purposes only, thus making NP items ineligible. 740.4 does not rule out GBS applicability to those NP items which are also controlled for NS purposes and 740.3 does not rule out LVS applicability to any NP item; but ineligibility for NP is accomplished by specifying GBS N/A and LVS N/A in ECCNs on the CCL.

ECCNs 4A001, 4A002, 4A003, 4D001, 4D002, and 4E001 state: "NP applies ... unless a License Exception is available." Thus, License Exception CTP does not apply to a NP item.

Neither part 740 nor any other part of the EAR (including the CCL) rules out NP item eligibility for TMP, RPL, GOV, TSU, BAG, AVS, or APR. There are reasonable arguments to continue eligibility of NP items for each of these License Exceptions.

Travelers on non-proliferation business need TMP and BAG for their laptops. TMP, RPL, and AVS expedite shipments of NP items needed for civil aviation safety. The safeguards and U.S. Government portions of GOV directly support nuclear non-proliferation objectives. APR lessens conflicts with allies concerning extraterritoriality.

The Glenn amendment does not require deletion of License Exceptions for NP items, because it applies only to "specific" NP items, thereby leaving to the Executive Branch discretion as to which items to specify.

If the above License Exception recommendations are not put into effect, the inconsistencies noted above should be removed in some other fashion. The Enclosure to this letter describes these inconsistencies in a somewhat more methodical manner.

Licensing policy (also see Computers below)

- In 742.16(b)(1), 742.16(b)(2), 744.11(c)(1), 744.11(c)(2), and 744.12(c), change "policy of denial" or "denied" to "presumption of denial for multilaterally-agreed items to government end-users or to non-government end-users supporting nuclear, missile, or other military activities and case-by-case review for multilaterally-agreed items to other non-government end-users and for unilateral items to all end-users"

Items not identified on the CCL as requiring a license to India and Pakistan are of no identified strategic concern. Unilateral controls are, for the most part, only symbolic. There is little, if any, security risk in approving applications for clearly benign uses, regardless of the end-user. The suggested formulation would still be more restrictive than licensing policy in parts 742 and 744 towards other countries of nuclear concern listed in NP column 2 or missile concern listed in 744 Supplement 4. The suggested revision would not violate the Glenn amendment, because that statute does not apply to non-NP items at all and only to "specific" NP items.

Computers:

- Delete the revisions to 742.12(b)(3)(iii);
- If licensing policy for other than computers revised per above, delete except clause from 742.16(b)(1);
- If licensing policy for other than computers not revised per above, in 742.16(b)(1) change cross reference from "742.12(b)(3)(iii)" to "742.12(b)(3)(ii) and (iii)" and add to 744.11(c)(1), 744.11(c)(2), and 744.12(c) "except high performance computers (see 742.12(b)(3)(ii) of this part for licensing policy regarding high performance computers to Indian and Pakistani entities listed in 744 Supplement 4)"

The revision to 742.12(b)(3)(iii) adds two exceptions to the "generally be approved" licensing policy to "other end-uses and end-users" in Tier 3 countries. The first exception establishes a presumption of denial to listed entities involved in nuclear, missile, or military activities. 742.12(b)(3)(ii) applies to such entities; accordingly, they are not included in "other" end-uses and end-users addressed in 742.12(b)(3)(iii). There is no

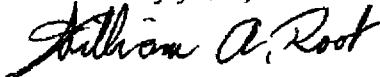
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stated (or apparent) reason to revise, for India and Pakistan, the case-by-case review based on criteria A-D in 742.12(h)(3)(ii). If there is any reason to deny a case to India or Pakistan based on criteria other than A-D, those criteria should be stated in a revision to 742.12(b)(3)(ii). The second exception, which does apply to other Indian and Pakistani entities, replaces the previous "generally be approved" license policy with a case-by-case review "under other licensing policies set forth in the EAR applicable to such computers." However, there are no "other licensing policies set forth in the EAR applicable to such computers" and there is no stated (or apparent) reason for not approving such cases under the case-by-case review. In any event, there is no stated reason for being more restrictive than the "favorably considered on a case-by-case basis" text in the June 22 DOC website announcement.

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If licensing policy for other items is not revised per above, adding high performance computer exceptions to 744.11(c)(1), 744.11(c)(2), and 744.12(c) is necessary for consistency with 742.12(b)(3).

Sincerely yours,



William A. Root

## Enclosure

License Exceptions for General Prohibitions Five, Six, and Eight

There are so many inconsistencies and vague phrases in the FAR concerning which, if any, License Exceptions overcome the various portions of General Prohibitions Five, Six, and Eight, that BXA intentions are unclear. If the regulations are not revised, exporters could rely on one provision to export without a license and then be charged with exporting without a required license because of another, overlooked, inconsistent provision or because of an unexpected Government interpretation of the word "specified" in 744.1(c). BXA should, therefore, resolve the following inconsistencies and specify whether "specified" in 744.1(c) excludes EAR99.

In the process of this review, it would also be desirable to consider expanding the new aviation safety License Exception to countries other than India and Pakistan and to EAR99 and other items of lesser strategic significance than the sixteen MT items listed in 740.2(a)(5).

Portions of General Prohibition Five per 744.2, 744.3, 744.4, 744.5, 744.6(a)(1)(i), and export and reexport portions of 744.6(a)(3) and (b), other than EAR99, to North Korea, Cuba, Libya, Iran, Iraq, Syria, and Sudan: no License Exception per 744.1(c), 744.2(c), 744.3(c), 744.4(c), 744.5(b), and 744.6(d); but operation, sales, and software update portions of TSU for all of General Prohibition Five, per 732.3(h)(2) and 740.13(a-c); those same portions of TSU as well as various other License Exceptions for exports or reexports to Cuba per 746.2(a)(1), reexports to Libya per 746.4(b)(2)(ii), and exports or reexports to North Korea per 746.5(a)(1); BAG and GOV to Iraq per 746.3(a)(1); exceptions from reexport controls of specified items to Iran and Sudan per 746.7(a)(2)(ii) and 742.10(a)(2); and, for Syria and Sudan, all of GFT and BAG and the portions of GOV, TMP, RPL, TSU, AVS, and APR applicable to those countries per part 740.

Portions of General Prohibition Five per 744.2, 744.3, 744.4, 744.6 (a)(1)(i), export and reexport portions of 744.6(a)(3) and (b), and 744.10, other than EAR99, to all countries other than North Korea, Cuba, Libya, Iran, Iraq, Syria, Sudan, India, and Pakistan: no License Exception per 744.1(c), 744.2(c), 744.3(c), 744.4(c), 744.5(b), 744.6(d), and 744.10(b); but operation, sales, and software update portions of TSU for all of General Prohibition Five, per 732.3(h)(2) and 740.13(a-c); operation and sales portions of TSU if nuclear to Country Group A:1, Iceland, and New Zealand per 744.2(c); and mass market portion of TSU to all destinations except North Korea, Cuba, Libya, Iran, Iraq, Syria, and Sudan, per 740.13(d)(3)(i)

Portions of General Prohibition Five per 744.2, 744.3, 744.4, 744.6 (a)(1)(i), export and reexport portions of 744.6(a)(3) and (b), 744.11, and 744.12, other than EAR99, to India, and Pakistan: no License Exception per 744.2(c), 744.3(c), 744.4(c), 744.5(b), and 744.6(d); but operation, sales, and software update portions of TSU for all of General Prohibition Five per 732.3(h)(2) and 740.13(a-c); mass market portion of TSU to all destinations except North Korea, Cuba, Libya, Iran, Iraq, Syria, and Sudan per 740.13(d)(3)(i); replacement parts kits portion of TMP, RPL, TSU, and equipment and spare parts for permanent use on an aircraft portion of AVS

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if intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft for MT portion of 6A008 and all of 7A001, 7A002, 7A004, 7A101, 7A102, 7A103, 7A104, 7B001, 7D001, 7D002, 7D003, 7D101, 7D102, 7E003, 7E101 per 744.11(b) and 744.12(b); and replacement parts kits portion of TMP, RPL, TSU, and equipment and spare parts for permanent use on an aircraft portion of AVS if intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft for all items per 744.1(c).

Portions of General Prohibition Five per 744.2, 744.3, 744.4, 744.5, 744.6(a)(1)(i), and export and reexport portions of 744.6(a)(3) and (b), EAR99, to North Korea, Cuba, Libya, Iran, Iraq, Syria, and Sudan: no License Exception per 744.1(c) assuming "specified items" includes EAR99, 744.2(c), 744.3(c), 744.4(c), 744.5(b), and 744.6(d); but operation, sales, and software update portions of TSU for all of General Prohibition Five, per 732.3(h)(2) and 740.13(a-c); and, assuming "specified items" in 744.1(c) excludes EAR99, the License Exceptions specified in part 746 of the EAR or in Treasury regulations as applicable to North Korea, Cuba, Libya, Iran, or Iraq and, for Syria and Sudan, all of GFT and BAG and the portions of GOV, TMP, RPL, TSU, AVS, and APR applicable to those countries per part 740.

Portions of General Prohibition Five per 744.2, 744.3, 744.4, 744.6 (a)(1)(i), export and reexport portions of 744.6(a)(3) and (b), and 744.10, EAR99, to all countries other than North Korea, Cuba, Libya, Iran, Iraq, Syria, Sudan, India, and Pakistan: no License Exception per 744.1(c) assuming "specified items" includes EAR99, 744.2(c), 744.3(c), 744.4(c), 744.5(b), 744.6(d), and 744.10(b); but operation, sales, and software update portions of TSU for all of General Prohibition Five per 732.3(h)(2) and 740.13(a-c); operation and sales portions of TSU if nuclear to Country Group A:1, Iceland, and New Zealand per 744.2(c); mass market portion of TSU to all destinations except North Korea, Cuba, Libya, Iran, Iraq, Syria, and Sudan per 740.13(d)(3)(i); and, assuming "specified items" in 744.1(c) excludes EAR99, all or the portions of TMP, RPL, GOV, GFT, TSU, BAG, AVS, and APR applicable to those countries per part 740.

Portions of General Prohibition Five per 744.2, 744.3, 744.4, 744.6 (a)(1)(i), export and reexport portions of 744.6(a)(3) and (b), 744.11, and 744.12, EAR99, to India, and Pakistan: no License Exception per 744.2(c), 744.3(c), 744.4(c), 744.5(b), 744.6(d), 744.11(b), and 744.12(b); but operation, sales, and software update portions of TSU for all of General Prohibition Five per 732.3(h)(2) and 740.13(a-c); mass market portion of TSU to all destinations except North Korea, Cuba, Libya, Iran, Iraq, Syria, and Sudan per 740.13(d)(3)(i); replacement parts kits portion of TMP, RPL, TSU, and equipment and spare parts for permanent use on an aircraft portion of AVS, if intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft, for all items per 744.1(c); and, assuming "specified items" in 744.1(c) excludes EAR99, all or the portions of TMP, RPL, GOV, GFT, TSU, BAG, AVS, and APR applicable to those countries per part 740.

General Prohibition Eight in transit: no License Exception per 740.1(a); but License Exceptions applicable to the country being transited per 736.2(b)(8)(i).

**REBCO International**

An Export Management &amp; Consulting Company - Established 1971

P. O. Box 3465 (51 heath St.), Brockton, MA 02304-3465

Phone: (508) 586 5287 Fax: (508) 586 5450 E-mail: [www.rebcointl@aol.com](mailto:www.rebcointl@aol.com)

Ralph E. Binney, President

Barbara R. Bamadhaj, Secretary/Treasurer

U. S. Dept. of Commerce  
Bureau of Export Administration  
P. O. Box 273  
Washington, D. C. 20044

Date: 9 December 1998  
Our Ref: L98-0030

Attn: Ms. Sharon Cook  
Regulatory Policy Division

Re: India Sanctions  
Federal Register 11/19/98

Dear Ms. Cook:

As a matter of great concern to our company and as matter of record, we are requesting reconsideration of the sanctions and controls now imposed on the Indian companies listed on the new entities list.

These new regulations have been carefully reviewed by our company and discussed at great length with our customers and colleagues in India. Our primary concern is that under CCL 744 supplement No. 4 page 1 dated September 1998 we were allowed to ship "dual use" items to Bharat Electronics, Ltd. classified under EAR-99 with out a formal U. S. Export license.

These new regulations, as we understand them, now require Export Licenses for any products in any dollar amount sold to those companies now on the entity list that do not specifically state " other than EAR-99".

**As a small Export Management & Consulting Company which has done business in India for over 25 years this new ruling puts us in a position of having to close our business and in all probability declare bankruptcy.**

The products which we have been exporting to India are primarily Microwave RF Switches and Waveguide Switches all of which are authorized under EAR-99. Except for our commercial Indian customers, Bharat Electronics, Ltd. represents most of our export business.



## REBCO International

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P. O. Box 3465 (51 Heath St.), Brockton, MA 02304-3465

Phone: (508) 586 5287 Fax: (508) 586 5450 E-mail: [www.rebcointl@aol.com](mailto:www.rebcointl@aol.com)

Ralph E. Binney, President

Barbara R. Bamadhaj, Secretary/Treasurer

The regulations, as now established, puts us in the same position as the regulations imposed in 1997. That is, in 1997 our business in India after sanctions were imposed dropped nearly 90%. **It was financially devastating.** Our business in 1998 is at about the break-even point. Our 1999 business forecast was projecting a 50% increase in Indian business. This now has probably "gone down the tubes".

The additional requirement to apply for export licenses (which may be denied) adds a significant expense to our cost of doing business in India and which can not be passed onto our Indian customers. We work on a very small margin in order to be price competitive not only with other U.S. companies but, also, with our European and Far East competitors. The items which we export are readily available in Europe & the Far East.

We appeal to your office to have the 11/19/98 regulations revised to allow shipment under EAR-99 as previously permitted under CCL744 Supplement No. 4 page 1.

**In our opinion we feel very strongly that the sanctions and policy decisions now made have gone to unnecessary extremes.**

Although the Nuclear Testing that was done is not acceptable, India has never really been an aggressor nation. In our mind they will never be so. The infrastructure and the magnitude of their domestic problems requires India to resolve these problems as their first priority. In my company's own small way we have been attempting to help the Indian nation to achieve these objectives.

If the committee so wishes, we would be pleased to provide more specific information.

Thank you for your consideration.

Sincerely

*Ralph E. Binney*

Ralph E. Binney

President

REB/brb

cc: U. S. Senator Edward M. Kennedy

U. S. Senator John F. Kerry

U. S. Representative Barney Frank

U. S. Representative John Joseph Moakley

U. S. Representative William Delahunt

Governor A. Paul Cellucci

## WEADON &amp; ASSOCIATES

ATTORNEYS AT LAW

SUITE 550

THE FEDERAL BAR BUILDING

1819 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D.C. 20006

TEL (202) 965-4100 • FAX (202) 965-4252 • NET dweadon@aol.com

December 9, 1998

Ms. Sharon Cook  
Regulatory Policy Division  
Bureau of Export Administration  
Post Office Box 373  
Washington, D.C. 20044

Re: Comments Upon the Interim Rule  
Regarding India Pakistan Sanctions  
(63 FR 64321 of November 19, 1998)

Dear Ms. Cook:

We are pleased to comment upon this Interim Rule. We represent a number of small to medium size U.S. high technology exporters for whom these Sanctions present a significant burden and for whom some simple adjustments in the sanctions methodology could avert a crushing economic burden without in any fashion blunting the significance or efficacy of the sanctions, or any related legislative mandates.

It is to be noted that the Administration has in recent days sought to loosen the sanctions strictures in return for stated improvement or other amelioration of the national behavior of the two sanctionees (India and Pakistan). In this light, and in keeping with over two decades of national security and non-proliferation sanction practice by the Commerce Department and its associated agencies in the export control process, the recommended adjustments to the present India-Pakistan sanctions regime are only proper.

Warranty Service

Most exporters of instrumentation and general purpose laboratory equipment approved for use in India and Pakistan over the past year have sold their products subject to one or two year warranty/service agreements. A number of these exporters have reported that consignees who are on the sanctions entity list are now threatening to return the equipment and demand their money back for failure to honor the warranty terms. While large companies can afford to handle these difficulties and potential litigation, smaller companies should not have to bear the larger burden of U.S. sanctions policy when other alternatives are available to resolve the issue.

Bureau of Export Administration  
December 9, 1998  
Page 2

Even in the depths of the U.S.-U.S.S.R. nuclear confrontation and embargo during the collapse of détente in 1979-80, the United States -- supported by CoCom -- allowed strictly controlled maintenance of legally exported commodities and one-for-one part replacement under the provisions of then-extant General License GLR. This policy has continued forward in a variety of license exceptions in the Export Administration Regulations ("EAR", 15 CFR Part 730 et seq., notably license exception RPL at 15 CFR §740.10).

As many of the "entities" set forth in the sanctions interim rule are bootstrapped into an essentially "blacklisted" status by virtue of their relationship to a government or funding source, a goodly number of legitimate entities engaged in basic or otherwise non-proliferant research endeavors are now in the position of having their work, and in some case, their existence threatened by a "no warranty work" posture by virtue of the curtailment of the RPL exception.

And in light of the financial burden on those exporters who now face having to accept the return of expensive products, the loss of revenue (and the expenses of marketing) -- not to mention being marked as unreliable suppliers in the respective market -- a more enlightened posture should be taken by BXA by allowing on-going warranty work for both private and public entities. Naturally, to ensure that warranty work is suspended to entities which have recently become engaged in proliferant projects of concern, we believe that BXA should favorably receive and rapidly review license applications for warranty work until such time as license exception RCL is restored for the listed entities.

\* \* \*

Thank you for allowing us the opportunity to comment upon this Interim Rule.

Very truly yours,



Donald Alford Weadon, Jr.

DAW:hbs  
1945W

**ASTERNETICS & ASSOCIATES Inc**

1609 Border Avenue  
Torrance, California 90501  
Tel: (310) 533-7057, Fax (310) 533-7143

Sanction-4

Wednesday, January 06, 1999

Ms. Sharron Cook,  
Regulatory Policy Division  
Bureau of Export Administration  
Department of Commerce  
14<sup>th</sup> and Pennsylvania Avenue, NW, Room 2705  
Washington, DC 20230

Dear Ms. Cook:

Please find enclosed five (5) copies of our comments and recommendations for change to "15 CFR Parts 742 and 744 India and Pakistan Sanctions and Other Measures; Interim Rule"

We would welcome the opportunity to discuss our concerns in person and present our background information.

Hoping some relief can quickly be found to soften the devastating blow this unexpected implementation has dealt to our company and our suppliers.

Sincerely,

A handwritten signature in black ink, appearing to read 'PSOL', with a large loop at the beginning and a long horizontal stroke at the end.

Paul Sadler  
President

Incl; 5 copies Comments and Recommendations

**ASTERNETICS & ASSOCIATES Inc**

1609 Border Avenue  
Torrance, California 90501  
Tel: (310) 533-7057, Fax (310) 533-7143

Monday, January 05, 1999

Sharron Cook,  
Regulatory Policy Division  
Bureau of Export Administration  
Department of Commerce  
14<sup>th</sup> and Pennsylvania Avenue, NW, Room 2705  
Washington, DC 20230

Dear Ms. Cook:

**SUBJECT: COMMENTS AND RECOMMENDATIONS FOR CHANGE TO:**  
**15 CFR Parts 742 and 744 India and Pakistan Sanctions and Other**  
**Measures; Interim Rule**

Asternetics and Associates is a small business that has long standing contracts to supply standard electronic components, the 'nuts, bolts and washers' of electronics, all rated EAR99, to India's civilian, educational and commercial satellite broadcasting programs.

While fully supporting all actions to assure India and Pakistan sign the CTBT, Asternetics and Associates has extremely serious concerns and strong disagreements with the implementation of the Interim Rule.

We have organized our comments, objections and recommendations into the following sections:

1. **DOC IMPLEMENTATION OF THE "GLENN AMENDMENT"**  
**RELATING TO EAR99 ITEMS.**

In this section we show that by including EAR99 items, Department of Commerce (DOC) is following neither the letter nor, we believe, the intent of the amendment.

2. IMPLEMENTATION OF INTERIM RULE WITH NO WARNING OR DISCUSSION

In this section we show that extreme hardship has been caused to US exporters by the sudden implementation of the rule with no warning or grace period. Eight hours is not sufficient time to close down multi-year contracts without serious consequences and thereby contravenes Section 6 of the Export Administration Act.

3. DISCRIMINATION AGAINST THE DIRECT EXPORTER FOR ITEMS FREELY AVAILABLE FROM UNCONTROLLED, INTERNATIONAL RETAIL SOURCES

In this section we will demonstrate that any entity in India can obtain the EAR99 items that we are prohibited from shipping

4. LISTED GOVERNMENT ENTITIES HAVING PROGRAMS THAT HAVE NOTHING TO DO WITH WEAPONS

In this section we present arguments that some of the listed entity's programs are in no way connected to Nuclear or Missile technologies.

5. ASTERNETICS' RECOMMENDED CHANGES TO THE INTERIM RULE

This section contains our recommendations.

We look forward to hearing from you soon and will be happy to discuss our concerns in person. We sincerely hope that rapid relief can be provided to our company as we are left holding dozens of open contracts and costs are climbing.

Respectfully,



Paul Sadler  
President

**SECTION 1****DOC IMPLEMENTATION OF THE GLENN AMENDMENT  
RELATING TO EAR-99 ITEMS**

## DOC IMPLEMENTATION OF THE GLENN AMENDMENT RELATING TO EAR99 ITEMS

- I. AECA Section 102(b)(2)(G), i.e. The Glenn Amendment states: "The authorities of Section (6) of the Export Administration Act of 1979 shall be used to prohibit exports of specific goods and technology" <sup>1</sup>
  
- II. DOC's Implementation: The terms "specific goods" and "Section (6)" thus form the statutory basis of DOC's implementation of the statute via the Interim Rule as published on the Internet.<sup>2</sup>
  
- III. Characteristics of the Interim Rule
  - A) It is now in force without public coordination.
  
  - B) Contract sanctity is not honored, inflicting severe economic damage to the U.S. exporter.
  
  - C) It is ambiguous. Its most severe ambiguity has been imposed. We provide the following list of ambiguities.
    - 1) Line 14 of Summary: "Specific Goods" are defined as "any item controlled for NT (Nuclear Technology) and MT (Missile Technology) reasons." Thus, other CCL items and all EAR99 items are permitted.
  
    - 2) Lines 22-25 of Summary: "Specific goods" are redefined as "all items on the CCL" regardless of their end-use, i.e., items other than NT and MT reasons; thus, EAR99 exports are permitted.
  
    - 3) Line 35 of supplementary information: "Specific goods" are re-redefined as "all items subject to the EAR." This third definition converts the statutory "specific goods" to "non-specific goods" since "all items subject to the EAR" includes all goods of U.S. manufacture. This definition

<sup>1</sup> Copy parts of Section (6) with our underlining follows as Attachment 1

<sup>2</sup> We know of no other advisement of or distribution of the Interim Rule. We discovered the interim rule only while surfing the Internet !?!



(IIIC3) is now operative and being enforced, thus the supplement is superseding the basic regulation! Our exports of EAR99 items in transit that have been seized prove this point.

- 4) Section 6 of EAR Criteria 1A: "The President may impose, extend, or expand export controls only if the President determines that such controls are likely to achieve the intended foreign policy purpose in light of other factors, including the availability from other countries of the goods." The prohibition and seizure of our shipments of EAR99 goods proves that this criterion is not being observed since their foreign availability is profound and extensive.
- 5) Section 6(b) of EAR99 Criteria 1C: "...only if the President determines that the reaction of other countries...is not likely to render the controls ineffective..." EAR99 goods are in stock throughout the world at stocking distributorships. Other countries have not imposed these export controls. Thus only the direct U.S. exporter (such as Asternetics) are subject to the export prohibition of EAR99 items and the prohibition of EAR99 items from direct export is ineffective. The only effective way of preventing EAR99 items from reaching sanctioned entities would be the prohibition of their export from the U.S. to anyone -- particularly to distribution companies, branches of U.S. distributors, and re-exporters in the U.K., France, Germany, and India itself! There are also individual non-distribution companies who can continue to tranship to the sanctioned entities without being in violation of any rules or regulations. The end-use of EAR99 items so exported is essentially non-traceable.
- 6) Section 6 Criteria 1(D): "The effect of the proposed controls on the export performance of the United States, the competitive position of the United States in the international economy, the reputation of the United States as a supplier of goods and technology, or on the economic

well-being of individual United States companies and their employees and communities does not exceed the benefit to United States foreign policy objectives."

The prohibition of the direct export of EAR99 items but not of the impossibility of indirect supply via a multiplicity of nations and channels clearly proves that no benefit accrues to U.S. foreign policy. Conversely, the economic well-being of our company is already severely affected.

- 7) Section 6 of EAR Criteria 1(E): "The United States has the ability to enforce the proposed controls effectively." This criterion alone vitiates the prohibition of direct exports of EAR99 items to the sanctioned entities. The foreign availability of such items is extremely extensive. In fact, we have advised DOC of at least 20 channels of such availability. These channels (out of many more) compete with the direct U.S. exporter and inherit his lost business.

- 8) Section 6C of EAR: "Consultation with Industry -- The Secretary in every possible instance shall consult with and seek the advice from affected United States industries..."

This clause has not been implemented. In fact, the implemented interim rule is an uncoordinated rule as far as industry is concerned. This coordination message is being sent after the imposition of the interim rule. Thus our EAR99 items are now under seizure by U.S. Customs at a time prior to any kind of advisement from DOC.

- 9) Section 6(H)(3) of EAR Foreign Availability: "...if the Secretary affirmatively determines that a good or technology subject to export controls is available in sufficient quantity and comparable quality from sources outside the United States to countries subject to the export controls so that denial of an export license would be ineffective in achieving purposes of the controls, then the Secretary shall, during the period of such foreign availability, approve any license application which is

required for the export of the good or technology and which meets all requirements for such a license.

For EAR99 items, this paragraph would compel the approval of such export licenses and such licenses should bear an assumption of approval. DOC is quite familiar with the foreign availability of such goods now identified with an assumption of denial.

- D) It departs drastically from its claimed statutory basis that it claims to be implementing, namely Section (6) of the EAA and the identity of "specific goods," i.e., the Glenn Amendment.
- E) It is selectively punitive. By this, we mean that the only casualty is the U.S. direct exporter of EAR99 goods. The foreign transfer of such goods to sanctioned entities is in no way impeded nor traceable. For example, an importer of EAR99 goods to the U.K. (etc.), is free to tranship to sanctioned entities with no paper trail available to DOC since validated licenses are not required nor is he in violation of any regulations.
- F) It does unintended harm to Indian civil, non-military projects, some of which include humanitarian features. For example, we are now prohibited from supplying EAR99 items to the Space Applications Centre in Ahmedabad, India, for the end-use in the IRS and INSAT-3 satellites which are non-military and civil, with humanitarian applications<sup>3</sup>. This results in unnecessary, unintended indignation by Indian officialdom with possible long term diplomatic consequences.

#### IV. Summary

The Interim Rule, as presently written and imposed, is more than a rule or regulation. It is re-legislation both of the Glenn Amendment which it claims to be based upon, and of the Export Administration Act (EAA) as demonstrated above.

#### V. Recommendations

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<sup>3</sup> Space Application Centre end-use and mission statement follows as Attachment 2

- A) Prohibit the export to the sanctioned entities of NT and MT items.
- B) CCL item licenses should be denied for end-use in sanctioned entities unless there is an unambiguous end-use in non-military, civil projects.
- C) EAR99 items should not be prohibited for the reasons listed herein.

SECTION 1

ATTACHMENT 1

EXPORT ADMINISTRATION ACT, SECTION (6)

the United States from, and expressing the displeasure of the United States with, the specific actions of that country in response to which the controls are proposed. Such alternatives include private discussions with foreign leaders, public statements in situations where private diplomacy is unavailable or not effective, withdrawal of ambassadors, and reduction of the size of the diplomatic staff that the country involved is permitted to have in the United States.

(b) Criteria.--

(1) Subject to paragraph (2) of this subsection, the President may impose, extend, or expand export controls under this section only if the President determines that--

(A) such controls are likely to achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls, and that foreign policy purpose cannot be achieved through negotiations or other alternative means;

(B) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

(C) the reaction of other countries to the imposition, extension, or expansion of such export controls by the United States is not likely to render the controls ineffective in achieving the intended foreign policy purpose or to be counter-productive to United States foreign policy interests;

(D) the effect of the proposed controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology, or on the economic well-being of individual United States companies and their employees and communities does not exceed the benefit to United States foreign policy objectives; and

(E) the United States has the ability to enforce the proposed controls effectively.

(2) With respect to those export controls in effect under this section on the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985], the President, in determining whether to extend those controls, as required by subsection (a) (3) of this section, shall consider the criteria set forth in paragraph (1) of this subsection and shall consider the foreign policy consequences of modifying the export controls.

(c) Consultation with Industry.-- The Secretary in every possible instance shall consult with and seek advice from affected United States industries and appropriate advisory committees established

the United States International Development Cooperation Agency, and any such determination by the President, shall be reported to the Congress, together with a statement of the reasons for that determination. It is the intent of Congress that the President not impose export controls under this section on any goods or technology if he determines that the principal effect of the export of such goods or technology would be to help meet basic human needs. This subsection shall not be construed to prohibit the President from imposing restrictions on the export of medicine or medical supplies, or of food under the International Emergency Economic Powers Act [50 U.S.C. § 1701 *et seq.*]. This subsection shall not apply to any export control on medicine, medical supplies, or food, except for donations, which is in effect on the date of the enactment of the Export Administration Amendments Act of 1985 [July 12, 1985]. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, and donations of goods in order to carry out the policy set forth in paragraph (13) of Section 3 of this Act.

(h) Foreign Availability.—

(1) In applying export controls under this section, the President shall take all feasible steps to initiate and conclude negotiations with appropriate foreign governments for the purpose of securing the cooperation of such foreign governments in controlling the export to countries and consignees to which the United States export controls apply of any goods or technology comparable to goods or technology controlled under this section.

(2) Before extending any export control pursuant to subsection (a)(3) of this section, the President shall evaluate the results of his actions under paragraph (1) of this subsection and shall include the results of the evaluation in his report to the Congress pursuant to subsection (f) of this section.

(3) If, within 6 months after the date on which export controls under this section are imposed or expanded, or within 6 months after the date of the enactment of the Export Administration Amendments Act of 1985 in the case of export controls in effect on such date of enactment, the President's efforts under paragraph (1) are not successful in securing the cooperation of foreign governments described in paragraph (1) with respect to those export controls, the Secretary shall thereafter take into account the foreign availability of the goods or technology subject to the export controls. If the Secretary affirmatively determines that a good or technology subject to the export controls is available in sufficient quantity and comparable quality from sources outside the United States to countries subject to the export controls so that denial of an export license would be ineffective in achieving purposes of the controls, then the Secretary shall, during the period of such foreign availability, approve any license application which is required for the export of the good or technology and which meets all requirements for such a license. The Secretary shall remove the good or technology from the list established pursuant to subsection (1) of this section if the Secretary determines that such action is appropriate.

SECTION 1

ATTACHMENT 2

SPACE APPLICATIONS CENTRE  
END-USE STATEMENT



4-15

GOVERNMENT OF INDIA  
DEPARTMENT OF SPACE  
SPACE APPLICATIONS CENTRE  
(PURCHASE DIVISION)

Telephone : 6447043/6446099/6445002  
Telegram : SPACE Ahmedabad  
Fax : 079-6747708

SAC Campus (P.O.)  
Ahmedabad-380 053  
(GUJARAT) INDIA

DATE: 15th December, 1998

END USE STATEMENT  
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These components are required for the realization of electrical subsystem of Communication Payloads of INSAT-3 Satellite series - the 3rd generation satellite of India's National satellite System exclusively meant for national domestic civilian application. The satellites to be fabricated using these components will serve the needs of domestic communication broadcasting and weather forecasting services and also provide services for vsat terminals for domestic communication network of corporate sector comprising of private entrepreneurs, industrial houses etc.

The satellites also provide distance education networks and rural developmental program. Meteorological payloads of these satellites provide weather data pertaining cloud coverage and cyclone disturbances. The data is used for disaster warning for avoiding losses to the people and provide much needed humanitarian services.

The components procured as above will be used for strictly civil and humanitarian application.

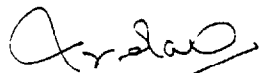
We also certify that goods are for own use and will not be re-exported or sold. The country of ultimate destination is INDIA.

We also certify that goods will not be used for any military purposes.

We also certify and confirm that goods will not be used for purposes associated with chemical, biological or nuclear weapons or missiles capable of delivering such weapons nor will they be re-sold.

-----



  
(M. SREENIVASA SARMA)  
PURCHASE OFFICER - I

**SECTION 2****IMPLEMENTATION OF THE INTERIM RULE WITH NO WARNING  
OR DISCUSSION**

## SECTION 2

### IMPLEMENTATION OF THE INTERIM RULE WITH NO WARNING OR DISCUSSION

On Friday, November 13 1998, BXA published on its web site a notice referring to the interim rule beginning with the phrase "We expect the Federal Register to publish a rule on November 19 that will amend the Export Administration Regulations..." When we received this notification on Monday November 16 1998, we had numerous questions. We called BXA repeatedly, sent many faxes but received no replies or guidance.

Our main concern was that we had thousands of dollars worth of EAR99 merchandise for India's civilian communications and earth resources space programs on our dock ready for shipping and to our utter astonishment, we found elements of the purely commercial space programs, on the list.

We noted the Saving Clause, with relief and began to ship the material we had on dock, only to have a shipment impounded en route, in Korea. We were not informed until December 8, 1998 that the meaning of the phrase "on dock for loading...on November 19.." was interpreted as meaning it must have been in the hands of a common carrier before midnight on November 19, not as we had supposed, on our dock ready for loading - **this information was given to us 19 days after the deadline!**

We are most concerned that we were given no warning of this cutoff. The November 13 notice said merely "We expect...", not that the rule would be published. Furthermore, in the four working days between that notice and the cutoff, we were unable to reach anyone at BXA for advice, we assumed, for example, that (as in the case of the previous sanctions against India in 1992 and as implied by the reference Section 6 of the EAA), contract sanctity would be preserved. We therefore planned to continue to ship, until finally, we were able to reach someone in Enforcement, who advised us to stop and file for IVL's.

We stress, we are speaking of EAR99 classified, simple electronic parts, produced all over the world in the millions each week (capacitors, resistors, semiconductors). We have long term business arrangements to supply these items to agencies working on India's communication, educational broadcasting and earth resources programs.

We believe that is unreasonable to impose a rule by posting in the Internet with only eight (8) hours warning that contracts must be closed down or renegotiated, international shipments arranged and suppliers all over the US notified.

We also note that the Interim Rule cites Export Administration Act (EAA) Section 6 as its basis. We would like to draw attention to page 40 of the above mentioned section, subsection (b) Criteria, paragraph (1)(D), "the effect of the proposed controls on...the international reputation of the United States as a supplier of goods and technology, or on the economic well-being of individual United States companies and their employees...does not exceed the benefit to the United States foreign policy objectives...". We also note that Criteria (1)(A) addresses foreign availability.

We have determined through our representatives in India that all the items we have contracts to supply are freely available from at least 20 other, uncontrolled sources. We therefore dispute the reasoning that attempting to restrict the supply of EAR99 electronic parts to specific entities will have ANY beneficial "...foreign policy objectives", and also believe it fails to meet the foreign availability criteria.

The restrictions were suddenly imposed, without any warning or reasonable grace period (the eight hours in the "Saving Clause" is unrealistic) to permit the orderly completion of work in process. That has caused us to delay and cancel multiyear contracts, getting the United States an extremely bad reputation as a supplier and causing severe financial hardship to our company and also to those companies that supply to us. Exactly the conditions referenced in (1)(D).

We are also very disturbed that we were given no indication that India's purely civilian, educational broadcast, earth resources and communication satellite programs would be targetted. We carefully survey our customers, as required by EAR and to the best of our knowledge, nothing we sell can make the slightest contributions to Missile or Nuclear technologies.

We are seeking answers to the following:

1. What do we do with the goods that have been sitting on our dock since November 17, 1998, waiting for an answer on the meaning of the Saving Clause? Surely there should be grace period to permit the orderly completion on work in process?
2. How do we handle our backlog of existing contracts (value \$750,000), entered into long before any talk of sanctions, in some cases before the nuclear tests? Why is contract sanctity not being observed?
3. What relief is available to a small business, hard hit by the completely unexpected imposition of these restrictions?
4. What steps are being taken to block our foreign/multinational competitors from taking advantage of our weakness. We have identified at least 27 alternate, legal, paths by which the same U.S. made electronic parts can get to the listed entities in India (not including Radio Shack, which is also a possibility). We are also aware of companies opening up in Europe specifically to take advantage of our weakness.
5. Why was there no open discussion of the Interim Rule or call for comments (as required by EAA, Section 6(C)) prior to its implementation. We have been in the sole business of exporting electronic parts for 27 years, (over 10 of them dealing with India), we believe we may have had some insights and experience to offer?

We are very disheartened to note that the sanctity of preexisting contracts is not being honored, that marks a black day for U.S. trade.

In the 1992 MTCR sanctions against the Indian Space Research Organisation, existing contracts were honored and an orderly shutdown was permitted. In the present situation, we were given a matter of hours to try and arrange for international shipments and no one at Commerce would reply to our pleas for information, causing us to hold goods, past the deadline.

**SECTION 3**

**DISCRIMINATION AGAINST THE DIRECT EXPORTER FOR ITEMS  
FREELY AVAILABLE FROM UNCONTROLLED INTERNATIONAL  
RETAIL SOURCES**

### SECTION 3

#### DISCRIMINATION AGAINST THE DIRECT EXPORTER FOR ITEMS FREELY AVAILABLE FROM UNCONTROLLED, INTERNATIONAL RETAIL SOURCES

To give a perspective of the trade we offer the following macroscopic and microscopic observations:

For the overview, we offer:

##### 1. ANNUAL SALES TO ASIA OF EAR99 ELECTRONIC PARTS THROUGH DISTRIBUTION

The top 10 suppliers of U.S. made EAR99 electronic parts to Asia are as follows:

Arrow (US)	\$500m
VEBA (Germany/US)	\$180m
Avnet (US)	\$150m
Future (Canada/US)	\$100m
Farnell (UK)	\$36m
NECX (US)	\$32m
Classic (US)	\$18m
Real World (US)	\$18m
America II (US)	\$15m
Richardson (US)	\$12m

(Source Cahners Electronics Industry Yearbook 1999 Edition, "Top 40 North American Component Distributors")

This totals to \$1.06 billion, considering an estimated average selling price of \$0.10, almost 30 million EAR99 electronic parts are shipped to Asia every day! These parts are repackaged in the Asian warehouses and resold freely on the open market. U.S. made parts may be intermixed with parts made by the same company in Mexico, Indonesia, Singapore etc. They may be resold several times before reaching an end user.

These parts are retail commodities, sold all over the industrialized world. Why are small direct exporters, such as Asternetics who supply the same



category of goods, yet amounting to less than 1% of the total trade, being so severely discriminated against?

Asternetics is having its \$1.0 million sales per year (50% of our income) cut off, while the 10 huge companies listed above (and the dozens of smaller distributors and brokers) are free to sell \$1.06 billion in EAR99 products wherever they chose in South Asia, their overseas warehouses (including those in India) being beyond the practical jurisdiction of Commerce Department. We realize that Indian trade is a subset of the whole Asian picture but are pointing out that ANY Indian entity may purchase EAR99 items on the free market in Asia.

We believe sincerely, as a result of 27 years in the business including direct observation of the various international marketplaces, that attempting to restrict any particular entity's access to EAR99 items is impossible. Nothing short of a total international trade embargo will achieve that result.

We therefore plead in the name of practical enforcement and on behalf of distressed small businesses, to lift the restriction on supply of EAR99 items to the entities listed in the Interim Rule (as permitted by Export Administration Act Section (6)). All the parts we supply are for the civilian programs of India's space activities (INSAT-3, IRS) and would make no contribution to missile or nuclear technology. The only effect retaining the restriction will have, is to unfairly punish the small U.S. direct exporters, handing over their business to the international distributors and foreign competitors.

For a more detailed view, we offer the "microscopic" picture

## 2. EXAMPLE OF TYPICAL TRAFFIC IN EAR99 ELECTRONIC PARTS

To illustrate the situation, consider the following hypothetical transaction flows

CKR05 type capacitors, manufactured by AVX Corporation in South Carolina.

Purchased in bulk by Hamilton Avnet.  
Shipped to Hamilton Avnet's warehouses in U.S., Europe, and Asia.  
Items are EAR99 so no IVL is required.

Bulk packaging split into retail packs and shipped to the warehouses of Avnet-Max (a joint venture) in several cities in India  
 The parts are now available for retail sale to any Indian entity  
 -No law has been broken, the parts are freely available to anyone in India

### OR

Parts are purchased from Hamilton Avnet's UK warehouse by Spur-Electron  
 Parts shipped to Spur's Bangalore warehouse and repacked for retail sale  
 The parts are now available for retail sale to any Indian entity  
 -No law has been broken, the parts are freely available to anyone in India

### ALTERNATIVELY

Parts may be purchased from AVX Corporation's overseas warehouses in England (also a factory), Germany, Italy, Israel, Singapore etc by any of the international distributors such as:

- Future (USA, Canada)
- Spur-Electron (UK)
- IGG (UK)
- RS Electronics (UK, catalog sales)
- Farnell (UK company with international catalog)
- Strongfield (UK)
- Top Rel (Italy)
- Tecnological (Spain)
- BBS (Singapore)
- etc, etc, etc

All of the above companies have warehouses and sales offices in India and the capacitors are sold essentially "over the counter" to anyone. For catalog sales, the parts could originate anywhere where there is surplus stock

### HOWEVER

Parts are purchased by Asternetics from Hamilton Avnet's California warehouse.  
 Parts are repackaged for retail sale, customers include Indian government entities on the list  
 - restrictions imposed

- IVL filing required
- deliveries delayed
- costs hence prices must be higher
- end result, Asternetics loses the order to any of the above suppliers and Department of Commerce loses all oversight of the flow of parts

Since, in practice, these simple parts are produced all around the world in the millions each day, (it is quite possible that the storage bins at overseas warehouses have a mixture of parts produced in USA, Malaysia, Indonesia, England etc), we must ask, what is the purpose of selectively restricting Asternetics? The direct exporter is being punished, not the intended entity, nor any international distributor.

This is a greatly simplified flow. We have available a much more detailed description of the possible access paths which has been presented to BXA Enforcement (California) and we have compiled a list of 27 known resellers of EAR99 electronic parts, active in India (also shared with BXA Enforcement).

Asternetics has worked hard to win these current contracts from the foreign companies and now they are being handed over to the them without us being permitted to complete them. Since it is impossible to restrict any Indian entity's access to EAR99 electronic components without a total international trade embargo on the whole of India, we ask that EAR99 items be excepted from the restrictions and in the interim, immediate relief be given to Asternetics by issuing a blanket license for all existing contracts (at least those in progress prior to November 19 1998)

**SECTION 4****LISTED GOVERNMENT ENTITIES HAVING PROGRAMS THAT  
HAVE  
NOTHING TO DO WITH WEAPONS**

**SECTION 4**  
**LISTED GOVERNMENT ENTITIES HAVING PROGRAMS THAT**  
**HAVE**  
**NOTHING TO DO WITH WEAPONS**

Asternetics supplies basic electronic parts, EAR99 items available from multiple sources all over the world. We supply these items to India's INSAT-3 and IRS programs both developed by the Space Application Centre (SAC), Ahmedabad. Both are civilian programs addressing such needs as agricultural monitoring, meteorology, earth resources, educational broadcasting, communications etc, nothing of a military nature.

In visits to SAC we have seen no evidence of any military activity. We have heard the argument that parts purchased by SAC could be resold to other entities engaged in nuclear activities. We argue that since the parts (capacitors, resistor, diodes, transistors etc) are so freely available world wide, there would be no need for any entity to go to the complexity of transshipping from one government agency to another, when the parts may simply be purchased from an international catalog (Farnell, RS Electronics etc) or over the counter at the local distributor.

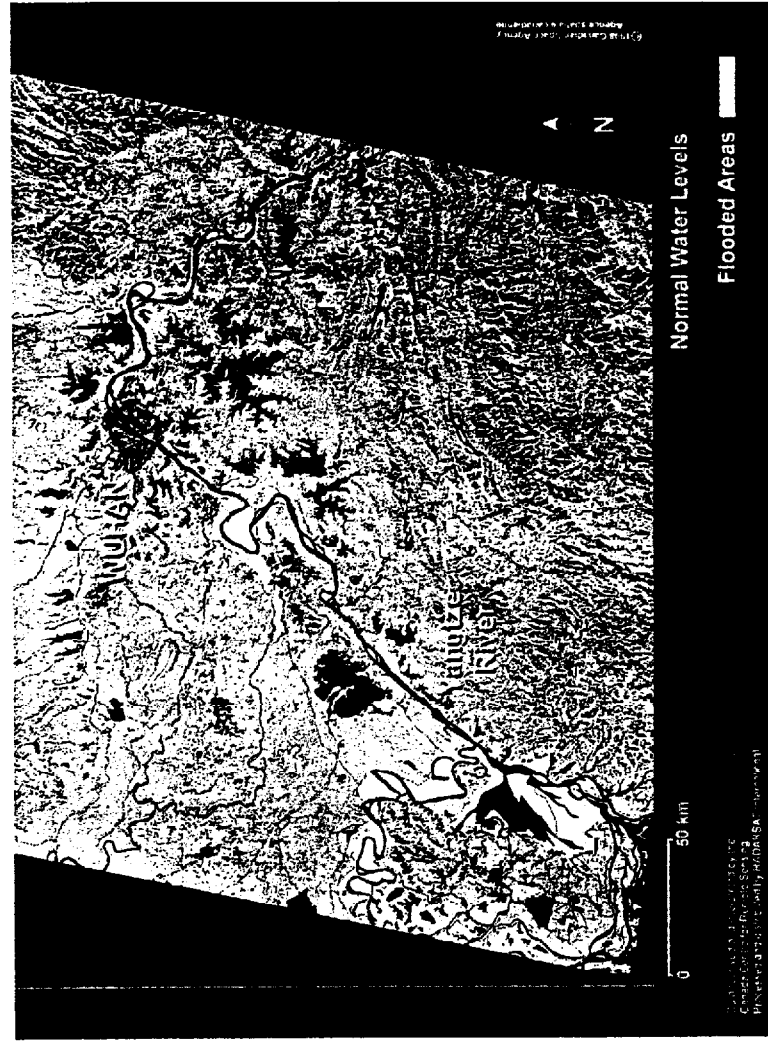
Following is a page from Aviation Week and Space Technology of December 7, 1998 describing the civilian application of IRS and also Space Application Centre's INSAT-3 end-use and mission statement.

We request that the restriction on EAR99 items be lifted for all entities listed in the interim rule on the grounds of complete, pervasive foreign availability and Space Applications Centre, Ahmedabad be removed from the list as a non-nuclear, non-missile entity.

## ASIA-PACIFIC SPACE

their own—note government backing for the Japanese spatial data imaging project. But governments are turning increasingly to commercial partners to help develop space imaging applications. The Indian Remote Sensing (IRS) program was begun as a federal-state partnership in which the Indian Space Research Organization (ISRO) developed spacecraft to serve the needs of state leaders who need to address issues of overcrowding, inadequate transportation, water conservation, crop planning and disaster relief.

The IRS now has a commercial arm to market the program beyond India, and Space Imaging is its distributor. The IRS-1C/1D spacecraft, which are identical, carry panchromatic cameras with 5.8-meter (19-ft.) resolution, sensors called LISS-3 that provide three visible and near-infrared bands with 23.5-meter resolution and a



**In this Canadian Space Agency Radarsat-1 image, the Yangtze River is shown in flood stage. Dark blue represents normal water levels, while light blue shows flooded areas.**

fourth in short-wave IR with 71-meter resolution. The spacecraft also introduced ISRO's Wide Field Sensor with a swath wide enough to map India completely in 5 days (*AW&ST* Aug. 12, p. 59). Where ISRO has needed technology, it has bought it, such as charge-coupled devices from Thomson-CSF.

Japan is a new customer for the ISRO data. The National Space Development Agency (NASDA), Tokai University and the Remote Sensing Technology Center of Japan (Restec) began processing data from the IRS-1C/1D last month.

Japan's three processing institutions are starting to handle synthetic aperture radar (SAR) data from the Canadian Space Agency's Radarsat-1 satellite this month. Since beginning operations in March 1996, Radarsat's total global coverage has found customers throughout Asia for such var-

## TO ALL MILITARY LEADERS

In high-powered, high-noise military aircraft and armored



In addition, the armed forces of 12 other nations

4-29

GOVERNMENT OF INDIA  
DEPARTMENT OF SPACE  
SPACE APPLICATIONS CENTRE  
(PURCHASE DIVISION)

Telephone : 6447043/6446099/6445002  
Telegram : SPACE Ahmedabad  
Fax : 079-6747708

SAC Campus (P.O.)  
Ahmedabad-380 053  
(GUJARAT) INDIA

DATE: 15th December, 1998

END USE STATEMENT

-----

These components are required for the realization of electrical subsystem of Communication Payloads of INSAT-3 Satellite series - the 3rd generation satellite of India's National satellite System exclusively meant for national domestic civilian application. The satellites to be fabricated using these components will serve the needs of domestic communication broadcasting and weather forecasting services and also provide services for vsat terminals for domestic communication network of corporate sector comprising of private entrepreneurs, industrial houses etc.

The satellites also provide distance education networks and rural developmental program. Meteorological payloads of these satellites provide weather data pertaining cloud coverage and cyclone disturbances. The data is used for disaster warning for avoiding losses to the people and provide much needed humanitarian services.

The components procured as above will be used for strictly civil and humanitarian application.

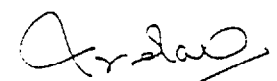
We also certify that goods are for own use and will not be re-exported or sold. The country of ultimate destination is INDIA.

We also certify that goods will not be used for any military purposes.

We also certify and confirm that goods will not be used for purposes associated with chemical, biological or nuclear weapons or missiles capable of delivering such weapons nor will they be re-sold.

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(M. SREENIVASA SARMA)  
PURCHASE OFFICER - I

**SECTION 5****RECOMMENDATIONS FOR CHANGES  
TO THE INTERIM RULE**



## SECTION 5

### RECOMMENDATIONS FOR CHANGES TO THE INTERIM RULE

Based upon the foregoing analysis, we earnestly request the following changes be made as soon as possible to the Interim Rule:

1. The export of goods controlled for MT or NT reasons to the sanctioned entities should be unambiguously prohibited;
2. Licenses for other goods on the CCL should be denied for end-use in the sanctioned entities unless there is an unambiguous, non-military end-use, in which case they should be reviewed on a case by case basis without presumption of denial;
3. EAR99 items should be exempted from restrictions due to pervasive foreign availability, prevention of excessive harm to U.S. industries and closer compliance to the wording of the Glenn Amendment;
4. In the interim, immediately institute a contract sanctity provision to save U.S. companies from serious legal and economic difficulties.

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*Sanction-5*  
Certified to PL 95-507/99-661 by  
NY/NJ Minority Purchasing Council

New England Minority Council

January 14, 1999

Ms. Sharon Cook  
Regulatory Policy Division  
Bureau of Export Administration  
Department of Commerce  
14<sup>th</sup> and Pennsylvania Avenue NW  
Room 2705  
Washington DC 20230

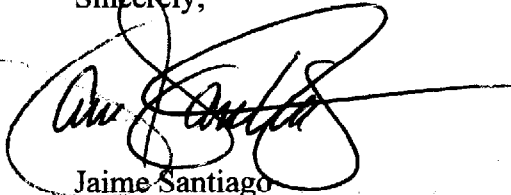
Dear Ms. Cook:

I am writing this letter regarding the U.S. sanction imposed on India as stated in the Federal Register dated November 19, 1998. Bharat of Garden City, New York is one of our largest customers and these sanctions have greatly affected our company.

The products we supply to Bharat, which are low technology items such as resistors have been classified as EAR-99 items. These products are easily available from other countries such as Canada, France, Germany, Japan and the UK. The sanctions placed upon these products simply forces our customer to spend their funds outside the US. Alternate options need to be explored so those EAR-99 products can be removed from the export restrictions.

As a small business concern I request the current regulations be reviewed and revised to allow shipment of EAR-99 classified product. Your cooperation in the matter would be greatly appreciated.

Sincerely,



Jaime Santiago  
President  
Mast Distributors, Inc.



Sanction 6

DISTRIBUTORS OF RESISTORS, CAPACITORS AND CONNECTORS

January 5, 1999

Sharron Cook  
Regulatory Policy Division  
Bureau of Export Administration  
Department of Commerce  
14<sup>th</sup> and Pennsylvania Avenue NW  
Room 2705  
Washington DC 20230

Dear Ms. Cook:

The current regulation now in effect concerning EAR-99 product needs to be reviewed. A blanket sanction implementation is causing a severe hardship for our company.

Bharat, an Indian company, is listed as a company to be held to the new regulations and controls. We have been doing business with Bharat of Garden City, New York for almost twenty (20) years. TTI has recently done almost 1 million dollars in sales annually.

Although the products we ship to Bharat are low technology items such as resistors, capacitors, and connectors, they have been classified as EAR-99 items. This product is also easily available from other countries such as Canada, France Germany, Japan, the UK and Korea.

The sanctions placed upon this product simply forces our customer to spend their funds outside the US and alternate options need to be explored so that these products can be removed from the EAR-99 export restrictions. Thank you for any serious consideration you may give this request.

Sincerely,  
TTI, Inc.

Art Markart  
General Manager  
am/sr

BARNEY FRANK  
4TH DISTRICT, MASSACHUSETTS

2210 RAYBURN BUILDING  
WASHINGTON, DC 20515-2104  
(202) 225-5931

29 CRAFTS STREET  
NEWTON, MA 02158  
(617) 332-3920

*Sanction-7*

**Congress of the United States  
House of Representatives  
Washington, DC**

558 PLEASANT STREET  
ROOM 309  
NEW BEDFORD, MA 02740  
(508) 999-6462

222 MILLIKEN PLACE  
THIRD FLOOR  
FALL RIVER, MA 02721  
(508) 674-3551

89 MAIN STREET  
BRIDGEWATER, MA 02324  
(508) 697-9403

December 18, 1998

Ms. Sharon Cook  
Regulatory Policy Division  
U.S. Dept. Of Commerce  
P.O. Box 273  
Washington, D.C. 20044

Dear Ms. Cook:

I write to follow up on comments sent to you on December 9, 1998 from REBCO International of Brockton, MA regarding U.S. sanctions on India. They argue persuasively against sanctions and controls on the Indian companies listed on the new entities list. I believe their arguments are reasonable, and I strongly urge you to revise the 11/19/98 regulations to allow shipment under EAR-99 as previously permitted under CCL744 Supplement No. 4 page 1.

*Barney Frank*  
BARNEY FRANK

BF/dm